

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
NINETEENTH DAY  
DECEMBER 16, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING  
IN THE ROSE Y. CARACAPPA AUDITORIUM  
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN AND TRANSCRIBED BY:**

**DONNA CATALANO - COURT STENOGRAPHER**

**LUCIA BRAATEN - COURT STENOGRAPHER**

**DIANA KRAUS - COURT STENOGRAPHER**

**(\* THE MEETING WAS CALLED TO ORDER AT 9:30 A.M. \*)**

**D.P.O. CARACAPPA:**

Mr. Clerk, please call the roll.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. CARACCIOLO:**

Here.

**LEG. GULDI:**

(Not present).

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

Here.

**LEG. FOLEY:**

(Not present).

**LEG. LINDSAY:**

Here.

**LEG. FIELDS:**

(Not present).

**LEG. ALDEN:**

(Not present).

**LEG. CARPENTER:**

Here.

**LEG. CRECCA:**

(Not present).

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. BINDER:**

Here.

**LEG. TONNA:**

Here.

**LEG. COOPER:**

(Not present).

**D.P.O. CARACAPPA:**

Here.

**MR. BARTON:**

13 present.

**D.P.O. CARACAPPA:**

Thank you, Henry. Everyone rise for the Salute to the flag led by Legislator Nowick.

### **SALUTATION**

**D.P.O. CARACAPPA:**

I'd ask if clergy is here to step forward. Legislator Lindsay, is clergy here?

**LEG. ALDEN:**

If not, Reverend Radford is here.

**D.P.O. CARACAPPA:**

Unfortunately, our scheduled pastor has not arrived yet for our morning invocation, but we'd like to welcome a stand-in, so to speak. Reverend Radford, come on up. You are the next contestant. You know it's going to be a good day when this happens.

**REVEREND RADFORD:**

Thank you. Our Father, we thank you for the great country that we live in. And we thank you that in these last few hours we have been reminded not only of the freedom we enjoy, but the freedom that others desire. We ask that you might grant to our Legislators wisdom and

guidance and direction as they attend to business that's before them this day. We pray, Amen.

**D.P.O. CARACAPPA:**

Thank you very much. Good morning, everybody. We have a long day ahead of us starting with many proclamations from members of the Legislature. I'd like to start it off with Legislator Allan Binder.

**LEG. BINDER:**

Unfortunately, Mr. Chairman, they are not here at this moment.

**D.P.O. CARACAPPA:**

Okay. There must be traffic. Moving on to Legislator Mike Caracciolo who is not in the room. Five minutes. Moving right along. This one's in my hands.

Good morning, everybody. I'd ask representatives from 4-H to step forward, Tom Williams, Layla {Zagby}, Pat {Pierson}, who is the 4-H development -- youth development director. Are they here? I know Tom is here and the kids. Tom. I'm presenting this proclamation today on behalf of our Presiding Officer Maxine Postal. Cornell Cooperative Extension of Suffolk County, the 4-H Youth Development, is proud of all its 4-H members who have participated in the animal showmanship program and have represented Suffolk County at several animal science related events. In addition to their 4-H club meetings, these young people have participated in the animal showmanship program available at the Suffolk County Farm and Education Center. This programs trains young people to work with livestock and prepares them to participate in local, state-wide, regional and national showmanship events.

In addition to being honored at one of these events, these youth have benefited from these life changing opportunities that working with various animals has not only taught them how to handle and care for their chosen animal, but became a vehicle for developing leadership skills, practicing public speaking, demonstrating their knowledge, assuming responsibility and learning compassion and patience. I'd like to quickly go through the list of the young people here who have done so well and also mention the Legislator that represents their -- their area. Joe Maggio is from Medford and he is represented by myself and Legislator Foley, Katey Perz is from Sayville, represented by Legislator Lindsay and Fields, Kristen Tangen from Setauket along with Erik Tangen is of course Legislator Vloria-Fisher's constituents, Sarah Heath is from Northport and Legislator Nowick and Cooper's constituents, Gina Hennington from Yaphank, along with

Meaghan Ralph from Yaphank, and that's Legislator O'Leary, Sharein El-Tourky and Amanda El-Tourky from Mastic Beach also represented by Legislator O'Leary, Katie McFadden, Kimmy McFadden, Cody Kazel and Sarah Hamilton all from Yaphank also represented by Legislator O'Leary, and Sylvia Glover and Rachel Glover from the Brookhaven Hamlet also represented by Legislator O'Leary. Maybe Legislator O'Leary should have done this.

With that being said, we have certificates for all of you from the Legislature on a job well done. Also. I'd like to ask representatives from 4-H to come forward, and I'd like to present a proclamation on behalf of Maxine Postal our Presiding Officer and all the Legislators here today for your great work with the youth here. And Tom, please come forward, a fantastic job, we appreciate everything that you have done, and we'd like to present this to today.

### **APPLAUSE**

I'd assume the poinsettias are from 4-H today too. They're beautiful and gets us in the Christmas spirit, and we all certainly appreciate it. Thank you very much. I'd like to recognize Mike Caracciolo for the purposes of a proclamation.

### **LEG. CARACCILO:**

Okay. I think everybody is settling down. Will the players from the Riverhead High School Football Team either stand in the aisle or if you feel more comfortable, you can take a seat. Mr. Chairman, Members of the Legislature, today we are -- I'll just wait for the doors of the auditorium to close. Can we close the doors to the auditorium, please. Thank you.

Mr. Chairman, as I began to say, today we are fortunate to have in our presence the members and coaches of Suffolk County Football Championship Team that went on this year with a ten and one season to win the Rutgers Trophy. The Rutgers Trophy is awarded to -- Mr. Tonna -- the best high school football team in Suffolk County. And right now, before I go further with this presentation, I'd appreciate if everyone would join me in a round of applause for this great team from Riverhead. Gentlemen, please stand up.

### **APPLAUSE**

### **LEG. CARACCILO:**

Thank you. Their season is a very interesting one. This is not the first time that the Blue Waves

have gone on to win this significant achievement and award. This is their third time; 1953, 1988, and again this year 2003. There have been some outstanding individual accomplishments as well as those of leadership from the top down, and we all know in life that you succeed by following the example of good leaders. So I'd like to start with a little story about the opening game this past season against, West Islip, Angie, against West Islip. Coach Shea had a little medical condition that day, probably woke up not realizing he was going to have one, but he did. And as the day went on, he realized he needed medical attention. And he went forward to get that medical attention, and it turned out he had some kidney stone problems. And we all know from other people and their experiences how painful kidney stones can be, very, very painful. But in the true spirit of a leader and head coach, Coach Shea went to the hospital, received some medical attention, but made sure he was back to be with his team for the game of the season, a game that they went on to win. And like the season itself, proved that they were all winners and all leaders. So our congratulations to you, Coach, and your staff, many of whom have been recipient of prestigious awards here in Suffolk County playing football themselves. And it's by your examples that I'm sure this team and every team member stands here to receive this recognition. The Waves went on to beat the number one high school team in the County, defeating, Mr. Bishop, a team from your neck of the woods, North Babylon.

**LEG. BISHOP:**

I know.

**LEG. CARACCILO:**

And it was a very exciting game for those who were present. It was a game and was nip and tuck the whole way, went in to the fourth quarter, and it was a very close game. In fact, in the fourth quarter, the Blue Waves were behind. And Coach Shea decided when they scored a touchdown and really had the game within grasp, rather than just tying the game, he would go for a two point conversion, which the team executed with perfection. And that put them ahead, they nerve looked back, and they went on to win that game. We all know from the local press that North Babylon, Dave, has been a real stallworthy and championship team many, many times over the past decade and decades. So that was quite an achievement.

Let me talk a little bit now about two individuals on the team, and I'd like them to stand when I mention their names. First, I'd like quarterback Ed {Wanser} to stand. He is not here. Oh, my goodness. Okay. Since he is not present, we will still mention some outstanding achievements that he accomplished this season. First he was honored by the Suffolk County Football Coaches

Association as the first recipient of the Boomer Award as the best quarterback in Suffolk County. He connected for 80 of 120 passes, that's some achievement, for a total of 1399 yards passing, and a County high of 16 touchdowns. He also rushed for 636 yards, eight touchdowns and 54 carries. No small achievement even for a small school like Riverhead. That's some achievement. And they went up against some pretty big powerhouse teams like North Babylon. The other individual I'd like to single out and recognize today is senior tightened and defensive end, Mike {High}. Mike, are you here?

**APPLAUSE**

**LEG. CARACCILO:**

Mike received a Bob Zellner Award. He made 17 receptions for 335 -- sorry, 355 yards, three touchdowns, registered 73 tackles, seven sacks six forced fumbles, and of those six forced fumbles, he recovered three. That's an outstanding piece of work under any schedule, and really, we just want to congratulate you, Mike.

**APPLAUSE**

**LEG. CARACCILO:**

I think it's evident from these individuals that what they've accomplished on the ballfield will serve them well throughout life. And we want to take this moment to recognize each of you, your coaches and the Riverhead High School, because Riverhead oftentimes does not receive the recognition both in its educational system and as a community that it should. So I'm most proud as your County Legislator to present this proclamation. And if the coaches would come forward. On behalf of all my colleagues and the 1-4 million residents of Suffolk County, we are most honored and proud to present this proclamation of the County Legislature to you, Coach Shea and your fellow coaches. Congratulations.

**APPLAUSE**

**D.P.O. CARACAPPA:**

Thank you, Legislator Caracciolo. Congratulations to Riverhead.

**LEG. CARACCILO:**

Thank you.

**D.P.O. CARACAPPA:**

Next on this is Legislator Allan Binder.

**LEG. BINDER:**

I appreciate they're leaving to make room for the Half Hollow Hills Tennis Team. The tennis team will take up a little less room, the women's -- girls tennis team will take up a lot less room, in fact, than the football players, size and girth. There we go. Much more diminutive, but no less champions.

**LEG. BISHOP:**

Are you going to go another 25 minutes, right?

**LEG. BINDER:**

No. I'm going to make this a little shorter than the last. As you can see with -- with a lot more girls, they're taking up less space than the football team that was here in just size. In Half Hollow Hills, we had some champions of our own, in Half Hollow Hills West, I'm proud to say. I get in trouble for this sometimes, because I am a Half Hollow Hills graduate of West myself. What they may not know is I was the first senior class president of their school, and that was in 1979. Going back that far I don't remember us having a championship team as we have here.

Last year, the girl's team, tennis team, came very close, and they were knocking on the door. And there are two ways to react to knocking on the door. You can either coast into the next year and kind of try but feel defeated or you can bring it up a notch. And I'm proud to say that my alma mata's team took it up a notch. And they went in and beat Walt Whitman's -- Legislator Viloría-Fisher, I guess she's not here, as I wanted to just point out her that the undefeated and top seated Ward Melville Team was defeated in what was a rising victory by the Half Hollow Hills Colts.

We also have on the team two doubles titles in league and county champions here, and that would be Ashley Kronen, and Mackey, right? All of them deserve a lot of credit. Tennis is a very individual sport, but they worked as a team, they came together under Bruce Schnittman as their coach. And they did what a lot of people wouldn't think they could do. Let me read their names very quickly. I'll go through, then I have a proclamation for them. Gina Bertuglia, Daryn Cohen, Emily Dash, Lilli Dash, Jaycee Greenblatt, Erica Hoffer, Ashley Kronen, as I said, her

sister Raquel Kronen who played doubles with her. Now, I'm noticing here we're talking Candlewood Junior High School. So that's a little special here wearing a varsity outfit and being part of an older team and making her mark, Jennifer Mackey, Alexandra McDonough, Jenne O'Gara, Samar Resnick and Serena Sood. I want to extend our heartfelt congratulations to a job well done. And for those who are graduating, make sure you look behind you, because there are those coming up who want to win another one and come here for another proclamation. Congratulations to all of you. This is a proclamation on behalf of all the Legislators here on a job well done.

### **APPLAUSE**

#### **D.P.O. CARACAPPA:**

I'd like to recognize Ginny Fields for the purposes of a proclamation.

#### **LEG. FIELDS:**

Good morning. I will try to be somewhat brief. It is my pleasure and honor to introduce Elaine Thompson a constituent who lives in Bohemia and has lived in the Sayville-Bohemia area her whole life. And today, I would like to acknowledge and point out some accomplishments that Elaine has managed to do. And if you take a look over there at those two framed prints, they are both the work of this wonderful artist Elaine Thompson.

And I'll give you a little bit of her background also. She has been -- her artistic skills have been utilized for 30 years by Islip Town, Brookhaven Town, Suffolk County, New York State and the US Federal Government. She's well known all over Long Island for her commemorative paintings, her book illustrations, murals, artwork and much more. She painted and designed a historical montage print of the Black Course Bethpage that you will see on the left. She was commissioned by the United States Golf Association to paint and design the 2004 US Open Poster. The International Tournament will be held at Shinnecock Hills in Southampton in June of 2004.

Elaine helps many charities all over New York State and also funds for New York State parks. Elaine's golf prints have raised money for many charities all over New York State and also funds for New York State Parks. Elaine Thompson also designed the official poster for the Vietnam Veterans Memorial Statue in Washington DC, Suffolk County's first Stop DWI Campaign graphics and also Suffolk County's 300th Anniversary logo. So on behalf of all of us, I would like to

present Elaine with a proclamation acknowledging her wonderful work and the fact that we in Suffolk County are the recipients of such a talented artist's renditions of so many things. And they will live on forever, especially for you golfers who want to put those in your offices. So on behalf of Suffolk County and the 9th Legislative District, I would like to give Elaine this proclamation for all that she has accomplished. Thank you, Elaine.

### **APPLAUSE**

#### **D.P.O. CARACAPPA:**

Thank you, Legislator Fields. Next up is Legislator Lynne Nowick.

#### **LEG. NOWICK:**

Good morning, everybody. Could I please call my team up, my big huge team. Mary De Rose, Kevin Johnston, Sandy Rosenberg. Good morning, everybody, come stand around me. What I'm doing -- actually I am honoring today the Kings Park Central School District and also the Kings Park Classroom Teachers Association. And the reason is because they have received an award from the Saturn Corporation and the United Auto Workers Partnership. This groups works together to honor people that have been in exemplary labor management collaboration.

The school here, Kings Park Central School and also the Teachers Association have gathered together, and they have a program wherein new teachers come to the school -- and as everybody knows, as a new teacher or new in any business, it's confusing on first few days. As a Legislator, it was confusing, believe me to walk in here and not have any -- if you don't have help. So the Kings Park Classroom Association -- Kings Park Classroom Teachers Association and the Kings Park Central School District have a program, doesn't cost the district anything, doesn't cost the taxpayers anything, and they work together and they teach the new teachers. The more experienced teachers work together with the new teachers, am I correct? So I feel that's a wonderful thing. And Saturn Corporation and Untied Auto Workers has presented them with an award -- which, by the way, there's only other awards -- six awards given in the country; one to Palm Beach, one to Colorado, one in New York City, one in Pittsburg, one in Los Angeles and right here in Kings Park. So I congratulate you for working that way, for being innovative and for helping teachers help our students. Congratulations.

### **APPLAUSE**

**D.P.O. CARACAPPA:**

Thank you, Legislator Nowick. I recognize Legislator Dan Losquadro for purposes of a proclamation.

**LEG. LOSQUADRO:**

Thank you. If I could invite up the Cub Scouts from Den Five from Mount Sinai, please. Today I've invited in four members of Den Five Cub Scouts from Mount Sinai; Gordon Haner, Kasey Wallace, Ian Goldwasser and Thomas Maccabee and Erich Weltsek for the purposes of recognizing them for earning their citizenship badge, and in the process improving one of our very own county parks. They took it upon themselves to consult with our Parks Department, I'm sure most to the delight of some of the members of our environmental community here, planted trees that were in keeping with the environment in the area and improved the dune in our very own Chandler Estate -- the bluff, excuse me, in our very own Chandler Estate to help prevent erosion.

These fine boys exemplify and live up to the words that Abraham Lincoln said when he said, "I like to see a man proud of the place in which he lives." And that is what they have done. That's why I brought them here to recognize them for that hard work. And having been a former scout, I know none of that is possible without their den leaders and their parents leading them in the right direction and showing them that this is the right path to take. I'd like to recognize them with proclamations on behalf of the County Legislature for their fine work.

**APPLAUSE****D.P.O. CARACAPPA:**

Thank you, Legislator Losquadro. We are now going to go to the public portion. I'd like to remind the public that each speaker has three minutes to conclude their remarks. We have a tremendous amount of speakers today. First, actually, the Consent Calender. I'd like to make a motion to approve the Consent Calender, seconded by Legislator Fields. All in favor? Opposed? Abstentions? Going to the first speaker. The first speaker of the day is Peter Freeman.

**MR. BARTON:**

15.

**D.P.O. CARACAPPA:**

On deck is Kevin McAllister.

**MR. BARTON:**

15.

**MR. FREEMAN:**

Good morning, ladies and gentlemen. I am Peter Freeman, the Vice President of Historical Society of Islip Hamlet. And with a membership of other 250 households, we as an organizations support the proposal to have Suffolk County purchase the Scully Sanctuary, which is a 70 acre Islip property that includes a 27 room Normandy style chateau is now owned by the National Audubon Society. I know some of you are upset with the Audubon for divesting themselves of this property, but the fact is they are going to sell the property. The question is will the property become a wildlife sanctuary and nature center available for public use, what was Ms. Scully's original intention which was never fulfilled by the Audubon Society or an upscaled development of 39 house? We as a historical society are afraid that if the property falls into the hands of developers, Suffolk County will loss a historical link to the Great South Bay's Gilded Age. The chateausque style mansion was build in 1917 by famed Long Island Architect Grovner {Aduberry}. We are aware that the County is leery of buying improved property because of cost involved.

The Seatuck Environmental Association is willing to enter into a partnership with Suffolk County whereby they would accept the managerial and financial responsibilities for the property and maintain the chateau. Seatuck's current assets would make partnership possible, and further revenues would be raised through fee for service educational facilities, supplemented by income from office leases, gift shop sales, facility rentals, membership dues and fund raising. We see this as a winning proposition for all parties involved.

Suffolk County would be conserving more open space, a historic home on the South Shore's Gilded Age would be saved, Seatuck would have a home for its excellent educational programs that serve people of all ages. And the people of Suffolk County would have the opportunity to visit a chateau and wildlife Sanctuary that only the wealthy have access to. The Historical Society of Islip Hamlet strongly urges you to support the acquisition of the Scully Sanctuary for the people of Suffolk County. Thank you.

**APPLAUSE****D.P.O. CARACAPPA:**

Thank you. Kevin McAllister. On deck, Reverend Ronald Radford.

**MR. MCALLISTER:**

Good morning, Legislators. My name is Kevin McAllister. By title I'm the Peconic Bay Keeper. By professional training, I am a coastal biologist. Today I'm here as the truth keeper obviously speaking to Suffolk County's Vector Control Program for the last four years. We have fish kills, we have crab kills that put Suffolk County's mosquito insecticides in the spotlight. We have loss of species of special concern in Winter of 2000 in Napeague Marsh.

We have conveyance of upland rain runoff, documentation that I've present to this body. The positive news, we commence an environmental study. And back in April, if you recall, I was before this body cautioning the Legislators to take a hard look to ensure this process was legitimate and above board.

Once again, there's serious questions. Obviously, we are drawing \$3.6 million, drawn from a questionable fund, the quarter percent sales tax, no competitive bidding on the hiring of the consultant. And obviously what -- in favor of departmental vehicles, staffing and equipment, what's dropped out is important field studies. Obviously the impact of insecticides on fish and crabs. And more recently as the Legislators know through a copy of -- a letter I copied each and everyone one, I was removed as the Citizens Advisory Committee's Representative on the Technical Committee, and the reason for that, because I kept resignating points that the study was coming up short. And ultimately the claim was that I'm strongly biased.

Well, when the project manager makes a statement in writing that ultimately it's highly unlikely that the long terms plan will allow these ditches to revert, that's strong bias, the same can be said. I ask you, abbreviate these work plans until this Environmental Impact Study is complete and assert yourselves directly into this process to ensure that it's above board and legitimate, because at the end of the day in December in 2005, if this is a flawed study, the environmental community is not going to back it, nor will the public at large. And that's a disservice to Suffolk County. Thank you.

**D.P.O. CARACAPPA:**

Thank you, Kevin. Reverend Ronald Radford, followed by Phil Goldstein.

**REVEREND RADFORD:**

Good morning, ladies and gentlemen. As a long time Suffolk resident, I'm here to speak on behalf of the indemnification resolution that was passed that effects my health center. I am the Chairman of Martin Luther King Health Center. One of the questions that I posed the other day when I was here regarding this indemnification is what happens under the Suffolk Health Plan if one of our doctors who is not privately insured is required to follow through with one of the patients that he is working at the hospital, will he do it? There's question whether he will, because of the jeopardy to his livelihood.

One of things that I wondered whether you thought about when you passed this resolution the effect it would have. I know that there are bad doctors out there, and they have caused the County a lot of money. As a taxpayer, I too would like to see these doctors removed. I'm asking that the Legislature consider either extending the deadline for this implication of the resolution that was passed or abolishing it. That's my request this morning. Thank you.

**LEG. FOLEY:**

Thank you.

**D.P.O. CARACAPPA:**

Thank you, Reverend. Phil Goldstein, aka, Jeremiah Dinosaur.

**MR. GOLDSTEIN:**

Good morning, Joe.

**D.P.O. CARACAPPA:**

Happy Holidays

**MR. GOLDSTEIN:**

Good morning. As I hope you noted, instead of appearing as Jimminy Cricket, in the hopes that I might be the conscience of this Legislature, I've chosen instead to appear under a new guise, Jeremiah Dinosaur. Since you rejected my Jimminy Cricket role, the Jeremiah Dinosaur name, if you remember your scriptures, Jeremiah was the profit who warned of the dire consequences that would occur when the residents of the promised land rejected their creed. And I'm here in

a sense in that same role.

Today, as then we face dire consequences in our promised land, suburbia. Just as then we are rejecting our creed. Our system of government is based on the principles of the social contract handed down to us by our forebears. Government is supposed to be the good shepherd protecting the flock against the predators, but now, as then, greed triumphed over need. Political and economic leaders worship wealth and power.

This Legislature has betrayed its flock. Fear of the law enforcement community -- law enforcement community's political power caused you to allow them to extort a four year arbitration contract. You rejected your responsibility as our elected representatives to control the purse strings. You surrendered that power to politically appointed arbitrators. You are not absolved of your responsibility. That arbitration decision which was reported in the newspapers, how many of your constituents are going to enjoy a \$3000 plus salary increase this year and the ultimate consequences down the road? How many of us on Social Security are going to be faced with a COLA far less than the three plus percent per year compounded which the law enforcement community is going to enjoy?

It appears to be collusion, because both parties joined forces probably out of a fear of the political power of the law enforcement because you didn't want to be challenged in your election. And so you surrendered your responsibility, all right, and you betrayed the people of Suffolk County. You made a mockery of the election of a reformed County Executive Steve Levy. And even now you are contemplating undertaking measures which will further undercut his ability to bring forward the reforms that he had promised the public in the campaign that he ran.

**D.P.O. CARACAPPA:**

Phil. Three minutes expired. We have a lot of speakers today. I'd ask --

**MR. GOLDSTEIN:**

This is part of what saddens me. You lack the courtesy and the courage -- you are being paid to sit there and listen to us, but you won't afford us an opportunity to challenge the conduct in which you engage in your office. As I've said on numerous occasions --

**D.P.O. CARACAPPA:**

Phil.

**MR. GOLDSTEIN:**

-- it will not be alien invaders nor foreign ideologies that bring this country to its knees. It will be the conduct of political leaders like you who fail the public.

**D.P.O. CARACAPPA:**

Thank you. I'd like to recognize Legislator Lindsay for a point of personal privilege.

**LEG. LINDSAY:**

Thank you, Mr. Chairman. I know our rules prohibit us from commenting from during the public portion, but Mr. Goldstein has raised this issue at least at the last three sessions we have had. And unfortunately, some of the statements that he is made is not absolutely correct, and I feel that the record should be clarified. First of all, this Legislature does not have the power to decide whether a labor contract goes to arbitration. The rules that govern that are by state statute. The resolution that we voted on last summer before Mr. Levy was the County Executive-elect, before he was even a candidate, allowed the arbitration process to go beyond two years, that the arbitrator could make a decision longer than two years if both labor and management agreed to that.

Why did we do that? The reason we did that was really twofold. First of all, traditionally, management and this body as well as the County Executive's staff acts in a management role. Management always prefers a longer contract for terms of planning purposes. If you note the Nassau County Police contract is for six years. The other reason is right now we're enjoying a period of very low inflation, and, you know, traditional thinking would say that during this period, arbitration would be lower rather than higher because of the inflation rate.

Putting that all aside, Mr. Goldstein's concerns about this process is certainly with merit. The process that again is dictated by state statute really calls for a three step process; negotiation, mediation and arbitration. And the process that we just experienced in this contract, you really have to look at with a skewed eye for the simple reason that the negotiating process to my knowledge only lasted a couple of months, impasse was declared by both parties more than three months before the contract expired, which you have to really wonder about.

Mediation was bypassed and that fact finding was waived, and we wound up with an arbitration decision before the contract expired, which to my knowledge is unheard of in labor management

relations. And I think some of Mr. Goldstein's concerns are absolutely legitimate, I just think you are barking up the wrong tree.

**D.P.O. CARACAPPA:**

Thank you, Legislator Lindsay. I appreciate your --

**MR. GOLDSTEIN:**

No taxation without representation.

**D.P.O. CARACAPPA:**

Phil. Phil. Phil, we put it on the record out of respect to you. You asked that from us and we did it. Next speaker is Ned Hurley.

**MR. GOLDSTEIN:**

No taxation without representation.

**MR. HURLEY:**

You all know me, I've been here way too many times.

**D.P.O. CARACAPPA:**

No sheriff. He's done. Thank you, Phil.

**MR. HURLEY:**

Just -- I guess maybe I should get an award for coming the most to the Legislature this year.

**LEG. CRECCA:**

Phil beats you.

**MR. HURLEY:**

In the spirit of Christmas, please do not table this. Let's just get it over with, move on. If it passes, it passes. If it fails, it fails. I really don't want to do it anymore. I love coming here, but please. So thank you. Merry Christmas. And hopefully we can get a vote. Thank you.

**D.P.O. CARACAPPA:**

Thank you, Ned. I'll say you have been a gentleman through the whole process. Matthew

Atkinson followed by Walter Erwood.

**MR. ATKINSON:**

Good morning. My name is Matthew Atkinson, general counsel to Peconic Bay Keeper. I'm here to urge you not to adopt Resolution 1919, which would extent the 2002 Vector Control Plan of Work into 2004. I want to begin where the Health Committee left off, which is why aren't we looking at a more narrowly tailored plan to protect public health without violating the law? The requirement of study in environmental harm before taking an action does not imperil public health. Laws serve society's needs. It is not a dictator. This plan is effectively a failure of the administration to seek a means of protecting public health while protecting the environment in which the people of Suffolk County have a huge economic and aesthetic stake.

A limited plan which targeted the most virulent mosquitos, which are primarily freshwater could include some habitat modification, larviciding and even adulticiding when necessary.

Nonetheless, the administration instead takes a business as usual attitude, let's go ahead and reditch all of our tidal wetlands, an action that has been rejected by our more enlightened neighbors, such as Westchester, Connecticut, New York City to show not to be all that particularly helpful and not helpful at all in terms of disease prevention. Consequently, I ask you to do what can be done, not to be held hostage, not to hold yourselves hostage. Send this back and request a narrow plan that's actually designed to protect public health instead of managing a wasteful program to the destruction of the environment that would otherwise benefit the people of Suffolk County. Thank you.

**D.P.O. CARACAPPA:**

Thank you very much. Walter Erwood.

**MR. ERWOOD:**

My name is Walter Erwood. I reside in Islip. Past President of the Old South Islip Civic Association representing them and also representing myself and all of my friends that are here today from Islip regarding the County acquisition of the Scully property. I was here last week along with a lot of my friends, and we heard and listened and saw a wonderful explanation of the -- of the Seatuck Organization to acquire the property, for the County to acquire the property, and they would maintain it and carry out many programs for the citizens of Suffolk. And you already know all of those details I'm sure. So the only reason I'm here today is to request and ask the Legislature to pass on the acquisition of the property. And most of you

have seen it, I'm sure. It's something that should never ever, ever should be sacrificed. It's a beautiful parcel. One of the last in Islip anyway. I'm sure that the members of the Legislature if they pass it, they will always be remembered. If they don't pass it, they will be forgotten. Thank you very much.

## APPLAUSE

### **D.P.O. CARACAPPA:**

Thank you, Mr. Erwood. I'm going to ask my colleagues to bear with me and the audience. We're going to par from the way we conduct our rules. Seeing that there is two-thirds of the audience here to speak on the Islip property, the Scully property, Resolution 2085, in the spirit of the holidays, I'd like to move this resolution now. By doing so it keeps us all from being here late in the evening due to the fact that we have a tremendous amount of cards. Secondly, I think it would be appropriate in the spirit of the holidays that we move this now so you get along with your busy days. Anyone that's here to speak on the Scully property, I'd ask you just to stand to show your support. I am a going to make a motion. Is anybody opposed to this Legislature moving this bill forward now? I'd make a motion to take out of order 2085, seconded by Legislator Fields. All in favor? Opposed? Abstentions? **2085, (Authorizing land acquisition under Water Quality Protection Component of the 1/5% Drinking Water Protection Program (National Audubon Society Property, Town of Islip)** is now before us.

### **LEG. FIELDS:**

I'll make a motion to approve.

### **D.P.O. CARACAPPA:**

Motion to approve by Legislator Fields, seconded by Legislator Alden. On the motion, Legislator Foley.

### **LEG. FOLEY:**

There's just several Legislators who need to come to the auditorium that are still out in the hallway.

### **D.P.O. CARACAPPA:**

I'd ask all Legislators to report to the horseshoe. Legislator Bishop is first, followed by Legislator Carpenter. On the motion Legislator Bishop.

**LEG. BISHOP:**

Thank you, Mr. Chairman. I've been in this Legislature now over a decade, and I can't think of a land purchase that I've voted against. And on this resolution, I'm could you tell between two precedents. One that has been established that I've firmly supported over the years, and that is when you have a 12-5-E purchase under the 1/4 Cent Program that is dedicated money to certain towns, that if the delegation of Legislators from that town all support the purchase, then you are to support the purchase. After all, it's money dedicated to that town. That's one precedent.

I've supported it, I've used it in my town, and you have supported me, and I appreciate that. Then there's another precedent that I don't want to be established, and that is fast becoming the rule, which is that non profit organizations which are environmental organization which have assets in Suffolk County are essentially fund raising by selling their assets to Suffolk County. Here we have the Audubon Society, which in its mission statement if you go to its website includes the preservation of habitat for birds.

The woman who left this legacy to the Audubon Society did so because she stated that she had unique property that was a habitat for birds, and she wanted the public forever more to know that it would be protected. And so she directed that it go to the Audubon Society with an expectation that it would be a bird sanctuary.

And for decades it has been a bird sanctuary in Suffolk County, has it not? Now the Audubon Society has fund raising problems. They are -- I guess they don't have the money to operate their New York City office. Perhaps they don't the money to invest in the Nassau County properties they have. For whatever reason, they need money. So they say we will allow this land to be developed unless Suffolk County comes in and preserves it. So you are now in a situation where if this purchase goes forward, you are spending millions of dollars for Suffolk County to acquire something it already had, which is a sanctuary. What that ultimately does is crowd out other open space purchases around the County.

If this continues and we continue to have environmental organizations with assets do their fund raising by extorting the local community an extorting the County into doing these purchases,

then we're going to be raising a lot of money from the taxpayers to send to organization which can and in this case will take that money and move it out of the County. So what do we end up with? We end up with a net negative. So these are the two precedents that I'm struggling with. On one hand, you have an Islip delegation which clearly wants this purchase, sees this as a threat -- this development threat as real and wants us to join them in stopping it. And they, of course, have the community's support. On the other hand, we have a precedent that if we continue -- if we set and continue to go down, we're going to end up with far less land purchased in the end then we should. Thank you.

**D.P.O. CARACAPPA:**

Thank you, Legislator Bishop. Next is Legislator Carpenter.

**LEG. CARPENTER:**

Thank you. I can appreciate Legislator Bishop's concerns, and I do hope that he sees his way clear to support this very, very important acquisition. I just want to speak to the community's involvement and support for this and to the work done by Legislators Alden and Fields on this acquisition. I wanted to note that very many of the people that are here supporting the Scully acquisition were, in fact, very much involved in the acquisition of Sagtikos Manor. So it's not just an immediate neighborhood kind of situation, but rather a broader network of support for a truly valid acquisition. And I'm really very proud to support this one,

**APPLAUSE**

**D.P.O. CARACAPPA:**

Thank you, Legislator Carpenter. Next is Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Speaking not as a Legislator that represents a portion of Islip, but in a different township, I also strongly support this particular acquisition. And I support it because it's not something that's just important to the Town of Islip, but it's important to all of us who have enjoyed the Great South Bay and the South Shore area of our County. When we think of the South Shore Estuary Reserve, the preservation of this property is critical -- critical to the mission of the Estuary Reserve to protect those tributaries and protect the bays.

It's not often, Mr. Chairman, that we have close 70 some odd acres give or take that we can preserve on the South Shore. It's far too few -- there are too few of those parcels left. We

need to save this particular parcel so that not only present generations, but future generations can also enjoy the great beauty of it and also use the grounds. We have an excellent group that would intend to manage the property for us. They have a stellar reputation. So it's my hope and expectation that not just those Legislators who hail from the Township of Islip, but Legislators throughout the County, particularly on the South Shore, be it Babylon or our east that will -- that they also would strongly support the resolution. And I would ask the Counsel and the Clerk to list me as a cosponsor as well. Thank you.

**D.P.O. CARACAPPA:**

Not only is it South Shore property, Brian, but it's Western Suffolk County South Shore property, which makes it even more valuable. Legislator Binder, then Vilorio-Fisher.

**LEG. BINDER:**

Mr. Chairman, I think we need to do this today, but I don't think we need to it with the smile. And I think that our record should reflect the comments Legislator Bishop had to say. I would hope that the Newsday article is going to reflect what he had to say. And, in fact, my understanding -- I'll just ask him quickly -- did the Audubon Society once come to your committee meeting to discuss what was going on and why they are and how they are doing this?

**LEG. BISHOP:**

The National Audubon Society which controls the destiny of this property did not come to the committee meetings. They sent the local chapter and the local care taker, are all of whom when pressed would say that they were disappointed --

**AUDIENCE MEMBER:**

Point of order.

**LEG. BISHOP:**

You came on your own then. The local chapter came, not the national, which controls the destiny of the property and the care taker. None of those folks could speak to the policy of -- that the National Audubon adopt, which is where I assume you are going, where I want the question to go.

**LEG. BINDER:**

Right. And this could be a problem. I mean, let us understand. We're being hijacked, and we don't have a choice, because here we have a property that needs to continue to be taken care

of. The comments about its importance environmentally to us in Suffolk County, to the people of Suffolk County is absolutely on point and absolutely right, and that's why I'm going to vote for this today. But I'm not voting for this because I'm happy with what's happening in this case. We literally will have an asset that Suffolk County, it will continue to stay an asset, and that means it will cost somewhere else. There is an environmental cost to doing this.

Think about this for a moment what the cost is. Is it another parcel somewhere on a wetland? Is it another parcel out East somewhere? Is it another parcel in Western Suffolk County that environmentally is important and sensitive that needs to be protected, that we won't have the money for, because we're spending the money on something that's being protected? But we don't have a choice. And so it's frustrating. It's one of the frustrating things about being a Legislator when you have to make choices like this. But I think the threat is real. I think the threat of development is real, and we have a responsibility -- responsibility. In a sense it's an environmentally fiduciary responsibility, fiduciary in that sense, to our future and to the generations that come after us. So we need to do this today, but I think it's unfortunate. And I would hope that other organizations that are looking to raid funds that are protecting land don't try to go down this road, and I'm appalled by what the Audubon Society has done -- the National Audubon Society has done.

And I would think, Mr. Chairman, that maybe other this year we can think if there is -- I don't know if there's a mechanism or a way that we can try to avoid this -- this from happening again. But if we can put our heads together, maybe there is some kind of mechanism, some kind of hoop, we can have them go through and make it harder for them to be able to do this kind of hijacking. And so again, it's frustrating, but I will be voting for the acquisition today.

**D.P.O. CARACAPPA:**

Thank you, Legislator Binder. Next is Legislator Vilorio-Fisher followed by Legislator Crecca.

**LEG. VILORIO-FISHER:**

I can sympathize with Legislator -- Legislator Bishop's sense of betrayal. The Audubon Society, which is -- which supposed to be -- which has as its mission the preservation of habitats is betraying that trust in its mission. However, I felt a much greater sense of betrayal when we acquired parcels from developers whose backgrounds were not very savory and who sold us properties at inflated prices. The Audubon Society is giving us a considerable break on the price.

During the ELAP Committee, we had an opportunity to look at the house that is on this estate, which was appraised at, I think -- well, it was appraised at a million dollars, but it was being sold for only \$350,000. Those of you who know anything about real estate on Long Island can well imagine what \$350,000 would buy on the open market. And this is an architectural gem that we are acquiring for that price.

And so I'm very pleased to support this resolution. I applaud the Islip delegation for their initiative, particularly Ginny Fields and Cameron Alden who were at ELAP last week presenting this. I applaud the people from Seatuck who have been advocating so hard for this. And I hope that it won't create a precedent wherein not for profits are hijacking us, as the word that has been used. But this is a good acquisition. We really need to preserve this piece of property.

**D.P.O. CARACAPPA:**

Legislator Crecca.

**APPLAUSE**

**LEG. CRECCA:**

Yeah. I've heard repeatedly from around the horseshoe that this is an asset that Suffolk County has. Suffolk County does not have it, the Audubon Society has it. The Audubon Society faces developmental pressure, whether it be because they need money or not, the fact of the matter is, and everyone has said it, the threat is real for development of this parcel. There's no question as to the worthiness of this acquisition, and there's no question that the threat of development is real. And that's exactly why we acquire open space.

That's exactly the reason why the taxpayers have asked us to use their tax dollars to do these types of acquisitions.

You know, I find it disturbing that we're questioning -- and I understand the point, and it's a valid point that Legislator Bishop and some of my other colleagues make. But we should also, you know, look at the Audubon Society in a positive light here, because one of the things they have done here is they haven't been pigs, for lack of a better term, about the it. In fact, they -- instead of selling at the highest price to developers or pushing us to higher price, they're selling it to the County well below fair market value. Again, the whole purpose whether it be the 1/4% money or it be our land preservation monies in general is to acquire parcels like this, and we

should welcome this acquisition wholeheartedly. And, you know, I think it would behoove us to have the whole Legislature support this.

**D.P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

I just want to speak to the -- to the -- there can be no defense for the Audubon Society. There could be -- there could be Legislators who in good conscience can have -- feel they have to vote for this, and I understand that entirely. As I've said, I myself am caught between the two precedents. But the Audubon Society is taking this money and moving it out of Suffolk County. They are not even partnering in what's going to go there. All the money is leaving the County.

This was left to them by someone with the expectation that it would continue to be a bird sanctuary. So we are buying a bird sanctuary that already exists. You know, when you say they are not being a pig on the bargain, it reminds me of, like, the unseemly used car salesman who says I'll sell to you at the same price I sold to my mother. You know, their mission -- their mission is to preserve property -- I mean, not to preserve property, to preserve bird sanctuaries. That's part of their mission statement in the first sentence, "to create habitat and protect habitats." This is a habitat that they have. And because the woman's attorney didn't create the proper document, they are taking advantage of it. I wouldn't call them pigs, I'd call them weasels. That's how I see it.

**D.P.O. CARACAPPA:**

All right. Try to refrain from all the animal references. I'd appreciate it. Legislator Crecca, please.

**LEG. CRECCA:**

I think Legislator Bishop just made one of the points though, but when the property was left to them, it wasn't a restricted deed, there were no restrictive covenances, it was left to the Audubon Society to do what they pleased with it. So I take issue with that. And I'm sure this woman with that type of assets knew what she was doing when she did it. I have to make that assumption, number one. I'll leave it at that.

**D.P.O. CARACAPPA:**

Thank you. Legislator Losquadro, Legislator Lindsay.

**LEG. LOSQUADRO:**

I won't repeat any of the -- we've heard many comments. I just want to go on record as being in support of this. But I will reiterate some of the comments that I made in committee, which were from a historical -- historical perspective that this is a very important piece of our history. And I think it would really do us a great disjustice to let it go and have the property developed. To leave it as the estate it was intended, as it was first developed by the owner, I think is the right course of action for us. Thank you.

**D.P.O. CARACAPPA:**

Thank you. Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. I would urge my colleagues to practice geographical equity. We continually buy property on the East end because that's where vacant property is located. There isn't that much vacant property on the West End. Here we have an opportunities to buy a large chunk of property on the Western part of Suffolk County, and I think it's the right thing to do and the fair thing.

**D.P.O. CARACAPPA:**

Okay. Going to the sponsors now for the final word, Legislator Cameron Alden.

**LEG. ALDEN:**

I do sympathize with what Legislator Bishop said before, I agree with lot of his comments, and I agree even with the idea the this is 12-5-E money. However, I differ a little bit in that I wholeheartedly support this acquisition. Even if we were to take the worst case scenario, it doesn't really effect any place other than Islip, because that money, as we all know, is restricted to use in Islip. This is the exact -- this is the epidemic of what that type of purchase and what that type of money should be used for.

We have an opportunity to preserve a significant portion of the property in Western Suffolk that is exactly what we're charged with by the people of Suffolk County to preserve that property. We can make it open to the residents of Suffolk County. We have -- the community, obviously they've shown their support. They're here today. They've stepped up to the plate. They will step up to the plate in the future. This could be a wonderful asset for Suffolk County, and I

would urge wholeheartedly my support -- the support of the rest of the Legislators. I also want to recognize Legislator Binder's comments, and I do -- I agree with a lot that you said, Legislator Binder, and I appreciate your support on this. Thank you.

**D.P.O. CARACAPPA:**

Legislator Fields.

**LEG. FIELDS:**

I just want to put a couple of facts on the record here, that National Audubon is a nationwide organization, and they are not in the business to buy property, they don't really own property, very few parcels throughout the whole nation. They are in the business to promote education and programs and teach people about wildlife and about the environment so that they become stewards. And what has happened is they've put together many, many chapters throughout the whole United States. They are something like 35 just in the State of New York. And they are run by volunteers.

They don't own the property, but they try to meet in particular places and do programs and educate people. This particular property is not a bird sanctuary. It is off the tax rolls, but Audubon used it as kind of an office for their -- for their fish program, and it has not been opened to the public, although it is off the tax rolls. It is 68 acres of wetlands and uplands on the South Shore Estuary. It has a 27 room, I call it a mansion. It is a beautiful building. And they would like to sell it to an owner, one owner, but that kind of person doesn't come along every day. And we probably would not see someone, one person, purchase this entire property for preservation and conservation.

In addition, we have been able to find a partner, a very good partner. And hopefully the County will negotiate an agreement with Seatuck who has been around for ten years and has run wonderful environmental programs. We don't have that in many of our acquisitions. We just acquire it, and then hope we can find money to maintain it or approve it. This we have the ability to purchase the property, preserve the property, utilize the building, offer programs to all of Suffolk County recipients, and it is a totally win-win situation.

In addition, we have a community who's totally in favor of it. And as represented by many of the people who have shown up today and at all of the committee meeting who are on support of it. This is 12-5-E money, it is for Islip Town use. We will not have a second chance at

something like this. We absolutely will not. They are not making open space. I think it's our responsibility as Suffolk County Legislators, and I think it's a great deal. The appraisal came in, and National Audubon is selling it to us for far less. And there was a comments before that if we use this money, we won't have the money to make other acquisitions. Well, you know what? We won't have the property. So we don't have to worry about having the money. The property is gone. And you all know it as County residents, they are building every single spot in every single place. There's literally nothing left.

I'm very proud to have sponsored this legislation, and hopefully it will pass. And I think that the recipients of Suffolk County will have benefited for it and it will be a legacy that we will be able to hold forever for protection and preservation and the utilization of County property for programs to teach children and our children's children. Thank you.

### **APPLAUSE**

#### **D.P.O. CARACAPPA:**

Thank you, Legislator Fields. I was hoping to give the sponsors the last word, but, Legislator Caracciolo.

#### **LEG. CARACCIOLO:**

Thank you, Mr. Chairman. First, let me echo substantially the remarks made by Legislator Bishop. Second, Dave, the way I would refer to the National Audubon Society's actions in this instance would be betrayal, betrayal to the Scully Family, betrayal to its membership, betrayal to all of those who truly care about the environment. The issue I have with this is not land acquisition. As I offered up in committee, I think the County should purchase the land despite the betrayal of Audubon. Why? Because as has already been stated here and during the committee meeting, these are vital wetlands that should be preserved. And if the alternative is development, that is not an alternative.

That said, the issue that I take issue with is the County purchase of the residence. I just heard it referred to as a 27 room mansion. I recall vividly Christine Costigan indicated that this was a four or 5000 square foot home, 5000 square foot home. So I can tell you in my district we have many homes in subdivisions that are this size or larger. I don't know how that all of a sudden became a mansion. That said and staying on point with the mansion aspect of this acquisition, there's been reference to Seatuck and the fine work they have done and will continue to do.

And since the appraisal for the mansion is only \$375,000, when I offered up was an alternative. Let Seatuck through their goodwill put their money where their mouths are and come up with the 375 to purchase the home and be responsible for the improvements and renovations, which on their own account is \$300,000. But as you and I know, if this becomes a County acquisition, it will be guided by Wicks Law in this state, and those costs will easily triple if their estimates are accurate, which I don't believe they are. Unfortunately, the sponsors were not willing to bifurcate the land and the residents, and therefore, I will not support this resolution.

**D.P.O. CARACAPPA:**

Thank you, Legislator Caracciolo. There's a motion and a second, roll call.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. FIELDS:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Abstain.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

(Not present).

**LEG. CARACCILO:**

Nope.

**D.P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

14.

**D.P.O. CARACAPPA:**

Resolution is approved.

**APPLAUSE****LEG. ALDEN:**

Thank you. Thank you.

**D.P.O. CARACAPPA:**

Standing ovation. We rarely get that. I wish the Islip residents Happy Holidays. I just ask that we file out of the auditorium quietly and orderly. I appreciate it. Going back to the public portion. Jessica Ottney. Jessica, hold on one second while we wait. Jessica, you have the floor.

**MS. OTTENY:**

Thank you. My name is Jessica Ottney, and I am with Citizens Campaign for the Environment. We're an 80,000 member not for profit, non partisan group that's based here on Long Island. I want to first of all thank you for your wonderful vote just now to preserve the Scully property. It's something that we're very supportive of. I'm here today to speak about two other issues, though. And the first one is the extension of the interim Vector Control Plan. And it's a topic that I hope gets just as much discussion around the horseshoe before you make that vote, because I think it's a very important issue that needs a very hard look once again before it's extended.

Currently, Citizens Campaign for the Environment is taking the position of asking you stop the extension of this interim plan. Right now in Suffolk County, we are spending an immense amount of taxpayer money, in fact, you all just voted in favor of preserving a wetland area, we're working all over the County to preserve wetlands. They are of the utmost biological importance to our island. At the same time throughout the County, we're funding the widespread detrimental practice of ditching wetlands for mosquito control. The plan that is up for consideration, this interim plan, which is Resolution 1919, has also been used in the past, not only to ditch wetlands, but to justify the unnecessary and very dangerous use of aerial adulticide spraying.

Currently, we have an EIS that's under way right now. And Citizens Campaign for the Environment is participating in that process. We are here today to ask you stop extending this interim plan and allowing things like aerial spraying and mosquito ditching to take place, and

instead order the County Department of Public Works to utilize the New York State West Nile Virus Response Plan. It's a sound plan, it's on the books, and it has specific thresholds and criteria to prevent a health crisis. And it matches response to risk, which is something that we are in desperate need of here in Suffolk County. And it also states that aerial spraying of harmful adulticide-pesticide should be used only as a last resort.

The second issue, because I only have three minutes, I have to be brief, is the issue of dredge material disposal in Long Island Sound. And I'm going to submit to the stenographer at the end of my statement comments that we've drafted for the EPA on an Environment Impact Statement. They are recommended alternatives in that Environmental Impact Statements are to dump potentially toxic materials laden with things like heavy metals and also trihalomethanes and polarimetric hydrocarbons, things we don't want in Long Island Sound in Long Island Sound. There's two disposal sites proposed, one is North of Huntington and one is north and east of Port Jefferson. There's a Sense Resolution before you today introduced by Legislator Cooper, and we ask that you support that Sense Resolution. Thank you for your time.

**LEG. NOWICK:**

Thank you.

**D.P.O. CARACAPPA:**

Thank you. I think most of the speakers for Scully left, but I'm just going to run through the cards anyway. If you're here and you still want to speak, feel free. Charles Schlesinger. Kathy Ayers Lanzillotta.

**MS. AYERS LANZILLOTTA:**

Hi. I'm not here to speak about the bird sanctuary. My name is Kathleen Ayers Lanzillotta. I'm the co-president of the Quality Consortium representing 24 of the voluntary not-for-profit drug and alcohol service providers here in Suffolk County. I'm here to basically say thank you. We've been before you with every -- every session that you have had this year. And I'd like to say that the Quality Consortium started off 2003 taking a disproportionate cut in our budgets due to a reduction formula applied incorrectly to our multiple funding streams.

When we brought this to your attention, your concerns was evident and we began to -- and you began to take measures to seek opportunities to rectify these circumstances during very difficult fiscal times. When various members of the Quality Consortium came before you, you listened

empathically and provided assurances that your efforts would continue toward working to restore these lost funds. As late of October of 2003, you were still actively working on finding measures to restores our monies. Finally, with the assistance of the County Executive's Office, a resolution was presented and passed unanimously.

Without your consistent interest and support, we might not have succeeded in having this problem rectified. We teach our patients in treatment that it works if you work it, and I really believe that the Legislative and Executive Branch of Government worked it this year, and it worked. And I thank you for that. Each one of us would like to thank you for the ongoing effort and attention you provided. On behalf of all the clients and families that we service in Suffolk County, we thank you, and especially on behalf of the all the children in Suffolk County that this year for the first time will experience being with their mom or date straight and sober. If it wasn't for the counseling they received from the Quality Consortium, that may not have occurred. Thank you.

**D.P.O. CARACAPPA:**

Thank you, Kathy. We appreciate it. Enrico Nardone. Charles Ferrara. Frederic Atwood. Joe Migliore. Adrienne Esposito.

**MS. ESPOSITO:**

I'm going to pass, you already voted.

**D.P.O. CARACAPPA:**

Thank you, Adrienne

**MS. ESPOSITO:**

You are welcome.

**D.P.O. CARACAPPA:**

Fred Landon.

**MR. BOVE:**

Mr. Chairman, my name is not Fred Landon, he is with me. I don't know if I'm able to this or not, we have a number of us representing the health centers in the community, and Mr. Landon

and I are from Good Samaritan Hospital.

**D.P.O. CARACAPPA:**

You filled out a card?

**MR. BOVE:**

Yes, I did.

**D.P.O. CARACAPPA:**

Okay. What's your name?

**MR. BOVE:**

My name is Charles Bove. I'm the vice-president of administration at Good Samaritan Hospital. If at all possible, I'd like to be followed by Mr. Landon. I have colleagues from Southside, Brookhaven and the Chairman of our Liaison Committee if that's not out of order.

**D.P.O. CARACAPPA:**

That is out of order.

**MR. BOVE:**

Okay, then I apologize. I hope my three minutes starts now, and not for that first 30 seconds of introduction. I apologize to Legislators, Fisher, Losquadro, Foley, Binder for hearing this for the second time, but we were appearing before the Health Committee last week on the resolution that was passed by the Legislators last month apparently. I don't know the number, but it has to do with the removal of the indemnification for the doctors practicing at health centers.

Certainly as a paying taxpayer, we all appreciate, you know, how the County has to deal with where the money goes. So we understand the reason for the legislation. There was a quick question last month about why doctors work at the health centers. And the motto at Good Samaritan is a little different than others. We have two other pediatricians that are not in private practice, they don't have insurance. We have four family practitioners, one of them is a full time employee, three have private practice, do have insurance, two adult practitioners, no private practice, no coverage, and our four OBs have their own policies. People practice in emergency rooms, health centers, nursing homes, hospital, etcetera, for reasons of why they like to practice in those places.

Specifically with regards to MLK, we built up our health center over the past ten years, especially in the OB world, and I'm assuming the indemnification clause or the removal thereof has to do with the high risk practice of OB and the high amount of awards that have been awarded over the years. We are now delivering about 400 babies a year at MLK, about 40% of them are high risk. Just to give you an analogy, in private practice the typical obstetrician sees approximately five to 10% high risk. So by practicing in the health center, they are putting themselves at significant risk by taking care of these patients.

Also at the Martin Luther King Health Center we're doing now several hundred GYN surgeries a year that have never been done before. And I want to call to your attention to three quick cases that have happened over the past couple of weeks and months. We had a 14 year old at the Martin Luther King Health Center come to Good Samaritan hospital at 22 weeks. That's the basis for life, 22 weeks. We held her at bay for three weeks, and we delivered a very viable and happy baby at 25 weeks.

You might say that if the care is not provided at Good Sam or some of the other local hospitals that it is at, maybe patients could go to some of our local tertiary facilities for the care. And I just want to bring to your attention two cases which was not the case. A 42 year old woman with Hepatitis B, Hepatitis C, HIV was not cared for at various hospitals, including tertiary hospitals in and out of the County, came to our health center and was cared for at our health center, but with a hysterectomy, salpingo oophorectomy. A 32 year old with severe hypertension went to a local tertiary facility, was told to have a termination of her pregnancy. We took care of her -- she had Hib Syndrome, preeclampsia, and she delivered a viable fetus.

I just want to give one quick analogy, I'm not sure if the beep was me or not. But I would suggest to you that if we can give an analogy as the doctors to County employees. If you only cover doctors practicing on County territory and not outside of the territory, I'm concerned that analogy could be covering the County employees police for arguments sake. If they are only covered for auto insurance when they are driving on county roads. If they're off County roads, it's their own private auto policy that's invoked. If they conduct activity on County premises, they're covered. If they conduct activity off premises, their own personal liability is at stake. And that's the concern we have. So we ask that this be rescinded or at least extended, because we understand it's going into effect January 1st. Thank you.

**D.P.O. CARACAPPA:**

Thank you. Mr. Bove.

**MR. LANDON:**

Fred Landon, director of Legal Affairs and Risk Management at Good Samaritan Hospital. Again, my apologies to some of the Legislators who have already heard what I'm about to say or at least in part. First off, these are high risk births. And there are a lot of complications with insurance coverage, which the average person doesn't appreciate, but the physicians become very aware of. If in one of these high risk births they are sued and there is a judgment, that judgment goes before the national Data Bank, and all insurance companies know of these judgment against physicians. As Charles said, several of the doctors, especially the OBs have their own coverage because they are in private practice. Their own insurance company, which is MLMIC will look toward judgment paid by another insurer, in this case, the County in a less jaundice way, and thereby preserve their MLMIC insurance and not have a surcharge against it or being dropped as opposed to if MLMIC had to pay it. It's a technicality, but it's very important to these doctors.

In addition to that, there have been instances where obstetricians have been sued for their own personal assets successfully, because the amount of the case and the judgment exceeded their own insurance. Regardless of what others might think, the county by insuring the physicians for these high risk births give them at least the comfort level that they have insurance no matter what the verdict is. And you are well aware that some of the verdicts are outrageous. And again, that's not your province, it's the State Legislature that needs to work on that, and there have been tort reform movements.

Lastly, a fact from medical liability which is the largest insurer of physician in the state. There are now 13% of all doctors in the OBGYN area who are only practicing GYN. That's up from 8% only five years ago. And the reason for the climb is because of the malpractice issue and the fact that GYN coverage alone is far less expensive than OB coverage. Many of these doctors may think twice about continuing to work for the County, if -- because so many of these births are high risk, they do not enjoy county coverage. Again, it's a very complicated situation, and each model which each hospital has is different. So all we're asking is that the County Legislature at this point stay the legislation and give an opportunity for Suffolk County Health Department to continue to negotiate and work out issues with the various hospitals to ensure that the coverage to these women stay in place, which I'm sure everybody wants to have occur.

Thank you.

**D.P.O. CARACAPPA:**

Thank you, Mr. Landon. Charles Hersh. Walter O'Connor.

**MR. O'CONNOR:**

I'm Dr. Walter O'Connor, and I'm here to substantiate what's been said by the two previous speakers. I speak from experience though when I said if malpractice is jeopardized with practicing physicians, there's going to be a lot of heartbreak for the patients who now utilize the health centers. I say I speak from experience since I was involved in establishing the first health center back in 1938 -- 1968, 38, 37 years ago. I think that if you lived through the problems we had during those days, and what has happened since then, you will appreciate the concern that I and all the other physicians and non physicians who provide health care via the health centers.

It was a disaster when we started in Wyandanch. The mortality rate was excessive. And from there, you've heard about what has gone at Martin Luther King Health Center. And the same marvelous program has developed in all the other health centers throughout the County. I would urge that you reconsider your resolution about discontinuing the malpractice for our health center for any kind of health care provider who works at the health center. Thank you.

**LEG. FOLEY:**

Thank you, Walter.

**D.P.O. CARACAPPA:**

Thank you. Nancy Porta Libert. Jack Finkenberg. Bob Pinnola. Martha Pinnola. Marilyn Shellabarger.

**MS. SHELLABARGER:**

Good morning. And I again ask the indulgence of those on the Health Committee who heard my testimony last week. But there is a crisis. Seems like always we're always here meeting as a crisis. For the last 35 years of the existing health center, we have had had to fight constantly. We support -- we certainly appreciate the work the Legislature has done through the years. And I can also understand your concern about the financial obligations. But as was mentioned before, if you are an obstetrician, you get sued. It's just as you know throughout the country,

there has been one crisis after the other.

And it is the New York State Legislature's ability to change the tort laws, but I think it's something that we have to consider. If you knew how long and hard we worked. As an example, we have a mammography van. But we found that we were having women who were not able to get any treatment after the van. There's was too much money involved. So we -- so two of our private physicians volunteered that they would -- you know, for a fee -- but they would cover these patients. And so the three health centers are involved that I know of, Riverhead, Tri and South Brookhaven where there were patients who were diagnosed and have no other resources are actually taken into the surgeon -- breast surgeon's offices -- if you new physicians don't even -- private physicians frequently don't want health center patients in their offices, so this was a coo to get them to go into the offices, anyhow, and get their treatment.

These are the kinds of obstacles we have had to fight through the years. They would reconsider, because if they are not indemnified, it becomes a difficult problem. So that I wanted to -- it's the problems of pediatricians, pediatricians could not follow the babies and the sick children into the hospitals. It would leave us with enormous holes, because they are not -- there is not just one model, and in fact, we have had always been encouraged to have different models, because from each model we have learned different ways of presenting things. And what works in one -- one model, one health center, doesn't work in another. You know we have begged through the years to have equity between the two County operated hospitals, and they're -- that's been one of the ideas behind our working together.

The three hospitals who are affected with this proposed legislation are really going to be hamstrung. And I have to waive this book around, which is the Long Island Historical Journal, which has -- was presented with a 30 -- with a history of the opening of the health centers, which I think every single one of you should -- should read. And I'll see that you get copies if you haven't, because it's an interesting experience. The enormous fight occurred -- not fight, but industrial work to get these things done and how it's taken us 35 years to be where we are. We don't have Nassau County's problems with their hospital, just remember that. Okay. And so I ask for your vote to extend or do something about this problem. Thank you.

**D.P.O. CARACAPPA:**

Thank you very much. Fred Gorman. Good morning, Fred.

**MR. GORMAN:**

Good morning, President -- Chief Presiding Officer.

**D.P.O. CARACAPPA:**

Deputy.

**MR. GORMAN:**

Soon. I know, soon. My name is Fred Gorman. I'm the Chairman of the Nesconset-Sachem Civic Association, located in Nesconset. I'm here to talk to you about 1919. Something that I believe you should pass again. I also am a member of the CAC, and I've also been a pro se intervener on behalf of the County -- on the same side of the County against the Peconic Bay Keeper. I left the CAC pretty much for the same reasons of the decisions that were -- respects Kevin. I kind of concur with the feelings on it, I didn't feel the CAC was actually as balanced as I would have preferred.

The area of Nesconset did very well last year. It was a concerted effort on our part as well Vector Control. We were an area that was inundated. We've -- two years in a row, we've had West Nile Virus in our mosquitos directly in our midst. This year, mosquitos didn't even get it, because our neighborhood worked very hard at protecting itself. We were the first ones to have someone who became ill. And through two years of education to our community, we got to the point that there was no standing water in Nesconset, and we really feel that that helps.

When a bird drops in Nesconset, it usually makes it to Vector Control well under the 18 hours necessary for it to be tested to find out if it's positive. We had one positive bird not too far from our community, but none. However, Suffolk County still had eight cases just as they did the year before. It's very important to continue a process that worked. We have environmentalists pointing out that you are affecting your environment negatively.

Ladies and gentlemen, this is the same environment you've had for 30 or 40 years. To change this environment would be arbitrary and capricious. To leave it is a truly wise judgment, as the courts upheld as you all voted in the past to do. So I'm going to ask you to vote as you voted before in the past, and vote to approve the plan and protect the community, because the public health comes first, comes before all other considerations. It is your primary consideration, and I'm going to ask you to once again demonstrate that. I want to thank you very much for listening.

**D.P.O. CARACAPPA:**

Thank you, Mr. Gorman. Tracy Worth. J. Lance Mallamo.

**MR. MALLAMO:**

Good morning, ladies and gentlemen of the Suffolk County Legislature. I'm J. Lance Mallamo, Executive Director of the Suffolk County Vanderbilt Museum. And I'm here this morning to request your support of two resolutions of the agenda today, the first being Introductory Resolution number 1952, which would appropriate funding for the planning for the revitalization of the William and Mollie Rogers Waterfront at the Vanderbilt Museum. This project has been in the planning stages for at least five years. It was renamed in the year 2000 by this Legislature in honor of William and Mollie Rogers, who made a commitment to provide a \$1 million gift for the museum's first major temporary exhibition, which would be installed in the sea plane hangar of the museum when that building was completed in approximately two years.

When the project was named in the honor in the Year 2000, it was with the understanding that the waterfront revitalization project would begin within a three year period. That was done in December of 2000, and it's now December of 2003, so we're right on schedule. This project when implemented will result in a circular visitor circulation system at the museum enabling our visitors to access all museum facilities easily. As you know, our environment is geographically challenging, particularly to the elderly and those physically challenged visitors. This will make it a lot easier for them to get around.

The project will also enable the museum to increase our revenues by developing new programs on the waterfront. In 53 years, we've never been able to have waterfront access to the beach front at the museum, and this will enable that for the first time. Anticipating this, we have started a new program this summer, the Sea Stars Marine Camp in conjunction with Cornell Cooperative Extension which netted the museum \$5000 in new revenue, which we had not had before. And we think this is just the beginning of a number of new programs to be developed.

I should also tell you that other capital programs that have recently been completed including new sidewalks, fencing, lighting, our seawall have all been constructed to link and connect with this boardwalk and system of boardwalks that we hope this project will develop. So by not going forth with this, we're literally going to have dead ends throughout the property. And we

think this will be a major waterfront revitalization project for the museum. We have applied for a New York State Environmental Protection Funds to supplement the project. And we hope that since that had a priority of waterfront revitalization, we will be successful in that regard.

The other resolution is 1993, which would extend our Vanderbilt Museum endowment guarantee for an additional year. As you are aware, this has given the museum a guaranteed income of \$1.2 million for at least the past 6 or 7 years. This is needed to maintain museum operations and programs during 2004. As you know, we're in the final stages of our reaccreditation process by the American Association of museums. And it's extremely critical now that we maintain a sense of financial stability during this time.

As i'm sure you're aware of going through the budget process, we've reduced our 2004 operating budget by nearly \$230,000 from the 2003 budget. And in October of this year, we took steps to reduce the 2003 budget by a similar amount through a reorganizational plan that we feel is supplemented by new revenue sources that we've developed and by reassigning staff in a number of areas without any major impact to our programs. So thank you very much. Everyone have a wonderful holiday. And I'm here to answer any questions if you need me. Thank you very much.

**D.P.O. CARACAPPA:**

Thank you, Lance. Joe Harder.

**DR. HARDER:**

I'm Dr. Harder representing the South Brookhaven Health Centers east and west. And of course, I'm here to first of all thank the Legislature for all their support in the past and to ask them to reconsider the indemnification or at least have a six month moratorium while other ways of solving this crisis can be approached. Each hospital has a different arrangement in the County system, but to my knowledge, which Mr. Margulis from Brookhaven Hospital amplified following, our obstetricians do not have outside practices and do depend wholly on indemnification for their work with deliveries an GYN surgery in the hospital.

It is quite conceivable that if this indemnification resolution against covering any malpractice costs of their work in the hospital as opposed to their work in the health centers, if this should not be rescinded or at least some other alternative measure be worked out, that we would be in a situation where many of the obstetricians would feel they could not cover the great risk of

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continuing to do these deliveries in the hospital. And in a practical sense since that would almost be abandonment, they would have to consider leaving their positions with the health center.

So I want to say that particularly in the case of Brookhaven Hospital, this measure would have some rather drastic effects affects on the services, obstetric services, we provided to so many patients, over 400 each year and certainly on the GYN surgery that many of obstetricians do perform on needy patients in the hospital. Besides, as Marilyn Shellabarger has mentioned, the effect on the surgeons doing breast surgery on our patients and the pediatricians. So I can see a crisis looming in our provisions of obstetric services. And as someone who was a medical director at Shirley health Center so long, at the Shellabarger Health Center so long, I must say that I just cannot conceive of the removal of obstetric services as something we offer to our populations. So I ask you to reconsider this resolution and at least vote to have a period of delay while other alternatives are worked out. Thank you.

**D.P.O. CARACAPPA:**

Thank you. Eric Alexander.

**MR. ALEXANDER:**

Good morning. My name is Eric Alexander, I am the director of Vision Long Island, which is a smart growth, planning and education organization. We're here today to support Resolution 1570, which would in essence reduce sewer connection fees for different development projects throughout Suffolk County. Sewer is not a sexy issue on any level, but it's something that if we're going to look at the growth and build out and preservation of Suffolk County we need to address. One of the key goals of the smart growth movement is to make mixed use development easier to do in the right locations. Therefore, we can preserve more open space which is a key goal of pretty much this Legislature and most of Suffolk County.

They are precedents for this. It recently, at our smart growth summit that we held a month ago and many of you attended, there was a session on sewers and infrastructures. And the topic of reducing sewer connection fees in Suffolk County was addressed and supported. In addition, in the Suffolk County Smart growth Committee report, which we sit on and I think many of you have, there's been a support for this action on Page 14 and further described on page 20. So there's a precedence here in debating this policy for quite some time. We're glad that the Suffolk County Legislature's considering this, and we hope they act in that direction.

There were two concerns that we originally had when we met with Legislator Bishop on this bill. One was the criteria for smart growth and mixed used development, then the other was the process for which this benefit would be kicked in. The criteria some of which is in the legislation and there will be advisement from the Planning Commission, my understanding, and the Planning Commission is looking at smart growth criteria matrix for many decisions that they will make. So we have submitted, and I will submit it to everyone here our smart growth score card for proposed developments, which would act as a guide to review what is smart grow and what isn't.

Our fear is that things like a WalMart next to an office building next to a residential development all not connected in walkability, but driving, everyone driving from one use to another, but on the same parcel would be considered smart growth. It may be mixed use on some level, but it's not smart growth. The focus of smart growth essentially, and I'll just list these seven principles, general criteria for development of smart growth is that developments located near existing development and infrastructure, number one; number two, it increases the range of housing options; number three, it protects open space, farmland and environmental areas; number four, we're creating a mix of uses; residential, retail and office, which this bill addresses; number five, we're creating transportation choices; number six, there's walkability; number seven, we are respecting community character, design and historic features.

I know my time is up, but lastly, I want to just ensure, and I have trust in most of you that you know what smart growth is, and I think you'll make good decisions, and I think the Planning Commission will too. We think this bill is a great first step to get to smart growth, and it's the first step of what we would hope is a comprehensive policy for smart growth planning and preservation in Suffolk County. So thank you for your time, and I hope you pass this legislation. Thank you.

**D.P.O. CARACAPPA:**

Thank you, Eric. Anthony Costanza. Al Farina.

**MR. FARINA:**

Good morning. I'm Al Farina, Chief Financial Officer at Southside Hospital. I'd also like to speak about the indemnification provision. And those on the Health Committee, my apologies too. We

currently have -- and I'm going to pretty much speak about OB. We have eight obstetricians through contract that provide services to about 1500 -- 1400, 1500 patient's deliveries a year. Of those, OBs, only two have full time malpractice coverage. The rest are insured via the indemnification provision for the provision of care for the -- for the County residents. For them to continue to treat the residents with this indemnification provision in place, it would require us to purchase malpractice on their behalf, which would cost the hospital in excess of \$500,000.

In meeting with the physicians last week, even if I was to do that, they're still concerned because of the high volume of high risk pregnancies that the malpractice coverage could be pierced. We've been negotiating with the physicians now for about a month and a half and working with the Health Department pretty regularly to try to resolve the issue. I believe the issue can be resolved, but it won't be resolved by January 1st.

The danger is that if it's not resolved by January 1st, the indemnification provision goes away, and they refuse to accept the malpractice coverage that I can offer as they will no longer be on staff at the hospital. And I'm more concerned because the deliveries will get done. I'm more concerned about the continuity of care for the mother, the prenatal care that may go away if this provision remains in place. I'm a lot briefer than most people, that comes with being a finance guy. That's really what I have to say. I would just appreciate your consideration of at least extending the existing contracts and to resolve the issue. Thank you.

**D.P.O. CARACAPPA:**

Thank you very much. Rich Margulis.

**MR. MARGULIS:**

Good morning, members of the Legislature. I'm Richard Margulis, Vice-President of Operations for Brookhaven Hospital. I'm not a finance guy, so I may be a little more wordy. But I do just want to summarize what my colleagues have said this morning. I'm here this morning to speak about the resolution, I believe it's 886, directing County Department of Health Services to renegotiate malpractice liability clauses for County health centers. Brookhaven has enjoyed a 30 year relationship with the Department of Health. We provide prenatal care services, obstetrical services, gynecological surgery, pediatrics, family practice, and we also provide breast disease services.

This bill, this resolution, will have an impact on our ability to provide coverage for obstetrician -

gynecologists. At the South Brookhaven Health Centers, we enroll approximately 50 new moms a months for prenatal care. Better than 50% of those moms are at high risk. Our real concern is having some additional time to renegotiate with the Department of Health and to extend the implementation date of this resolution. If that is achieved, I think we can all reach an agreement. If it shouldn't be agreed for some reason, it would place a tremendous financial hardship on the hospital itself as well as all the hospitals that are here today. And it also would have impact on the availability of quality prenatal care services in our community. Maybe I am as brief as the financial people. Thank you for your time.

**D.P.O. CARACAPPA:**

Thank you very much. Bob Mar Kay. Jesse Heatley.

**MR. HEATLEY:**

Thank you. Good morning. My name is Jessie Heatley, and I'm the Riverhead coordinator for the North Fork Environmental Council. North Fork Environmental Council is a 1500 member East End based not profit organization. In the following statement prepared by our executive director, I'd like to address some of our concerns with the approval of IR 1919.

Since the County is presently investing millions of dollars to study the long term impacts of our current mosquito control program, we request that a decision be made to suspend all new ditching and maintenance of current mosquito ditches along with a routine adulticiding for the control of nuisance mosquitos until the completion of the long term plan. The ecological impacts of ditching along with the spraying od adulticides may very well prove to be devastating and irreversible. Until these impacts are fully accessed, these practices should be stopped.

The NFEC requests that adulticides be used in mosquito control only when a health emergency, such as the detection of the West Nile Virus or other mosquito-borne illnesses is declared by the County Department of Health Services. A tiered response should be incorporated that would include truck spraying of distinct areas of infection treated to be determined on a case by case basis. Broadcast aerial spraying of adulticides puts larger segments of the population at risk. Notifying a broader population is difficult as was demonstrated this past summer when a section of Southold was sprayed aurally, and people complained bitterly of not knowing in advance that their homes, gardens, yards, pets and children were going to be sprayed with Scourge.

The NFEC supports the use of BTs as larvicides and encourages the County to continue

educating all County residents and how individuals can be the first and quite possibly the best line of defense against mosquito-borne illnesses. We hope that with the completion of the long term study, we will create a best management practice model for mosquito control, which can be implemented throughout the country. Thank you for your time.

**LEG. CARPENTER:**

Thank you. Next speaker, Ann Marie Jones.

**MS. JONES:**

Good morning. My name Ann Marie Jones. I'm from the Long Island Housing Partnership. I'm the director of Project Development, and I'm here to comment on Resolution 1570. As I said, I'm the director of Project Development at the Long Island Housing Partnership, which is the region's preeminent not for profit affordable housing organization.

The Housing Partnership's President, Jim Morgo regrets that he can't be here today, and he and I prepared these remarks together. The Housing Partnership has been helping stabilize families and communities for more than 15 years. One of the ways we do this is by developing and selling homes to qualified first time moderate income home buyers.

During the past 15 years, the Housing Partnership has seen costs skyrocket and funding shrink. Land, building materials and infrastructure costs are just a few of the areas where costs have risen significantly making it increasingly difficult to develop homes for the populations which we much retain here in Suffolk County. As communities change and grow, leadership needs to focus on innovative ways to encourage the creation of not only affordable housing, but of other developments that encourage revitalization, in-fill development and the reuse of vacant or obsolete structures that have a negative impact on their communities.

Initiative such as IR 1570 provides a new tool to encourage development in appropriate locations, such as downtowns and other areas where infrastructure is in place or readily accessible. Compact accessible pedestrian friendly mixed use development that contains affordable housing opportunities exemplifies Suffolk County's smart growth planning principles. One completed development that reflects those principles is South Wind Village located in the heart of Downtown Bay Shore. This development is tied into the Southwest Sewer District, and the cost to run the sewer line along the length of the development, which is on Smith Street in Bay Shore, was \$260,000. That cost was divided among all 78 owner and rental units at a cost

of \$3200 per unit. That may not seem like a lot, but to the families that we serve, it is a significant amount of money.

This development was 100% affordable. Had this legislation been in place at the time of the development several years ago, the project would have received a 50% reduction in sewer connection fees and funds from the multifaceted land preservation capital project number 7177 could have been used to construct the sewer secure main. This cost reduction would have been passed on to the purchasers and the renters. Just as importantly, the availability of funds would have considerably reduced the time to develop South Wind Village, making the home available sooner and further reducing costs.

In Riverhead, the Mill Brook Gables development, which is currently underway of 17 new homes was denied access to the sewer district because of lack of capacity. Had we been able to hook into the system, however, the cost of building the new road, which we are doing right now, and running the sewer line extension would have been prohibitively expensive. On the other hand, sewers would have been a far, far better environmental approach than the current septic system that we are now constructing. When preparing to fund an affordable development, the combination of funding sources and development incentives make a project more attractive to developers and funding sources alike.

Locating developments in areas where infrastructure is already in place makes good planning sense, does not conflict with open space preservation and can be economical if the costs can be kept within reason. Since infrastructure costs can greatly increase development costs, including a provision for funding those improvements is critical to the development's success. Development incentives are important tools in the smart growth arsenal. Attracting a builder to an area that might be seen as too difficult and too expensive to develop or a project that may seem impossible at first glance requires creativity, determination and, yes, incentives. We are in support of this resolution.

**D.P.O. CARACAPPA:**

Thank you very much. I have no further cards. Anyone else wishing to address the Legislature? Hearing none, there's a motion to close the public portion by myself, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? I'd ask all Legislators to report to the horseshoe, we're starting on the agenda.

**LEG. ALDEN:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

When we vote, can we direct the Clerk to just use Legislator and go right around the room? It will save his voice, it will save us time and energy.

**D.P.O. CARACAPPA:**

I think he's got it. Going directly to page six, resolutions tabled to December 16th. **1585, (Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan).**

**LEG. ALDEN:**

I'm going to make a motion to table. Legislator Foley is right here, but I don't think the lawsuit has been resolved yet.

**D.P.O. CARACAPPA:**

Legislator Foley.

**LEG. ALDEN:**

I'll defer to Legislator Foley.

**D.P.O. CARACAPPA:**

Motion to table by Legislator Foley, seconded by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1357, (directing Office of Legislative Budget Review to audit Legislative vehicles).**  
Legislator Caracciolo, 1357.

**LEG. CARACCILO:**

Motion to table.

**D.P.O. CARACAPPA:**

Motion to table by Legislator Caracciolo, seconded by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1361, (to establish County office space policy for downtown revitalization).** Motion to table by myself, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1425, (to ensure League of Women Voters representation of Reapportionment Commission).**

**LEG. CRECCA:**

Motion to table.

**D.P.O. CARACAPPA:**

Motion to table by Legislator Crecca, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

**LEG. GULDI:**

Opposed.

**LEG. VILORIA-FISHER:**

Opposed.

**LEG. FOLEY:**

Opposed.

**LEG. FIELDS:**

Opposed.

**LEG. COOPER:**

Opposed.

**MR. BARTON:**

12.

**D.P.O. CARACAPPA:**

Tabled. **1500, (authorizing the sale of surplus County car (showmobile) to Town of Southampton).** Motion by Legislator Guldi to approve, seconded by Legislator Bishop. Motion to table by Legislator Carpenter, seconded by Legislator Crecca. On the motion, all in favor? Opposed, here we go, Legislators Guldi, Vilorio-Fisher, Foley, Lindsay, Fields, Cooper as well as Bishop.

**LEG. O'LEARY:**

Opposed to table.

**D.P.O. CARACAPPA:**

Opposed to table, Legislator O'Leary as well.

**MR. BARTON:**

9.

**D.P.O. CARACAPPA:**

Tabling failed.

**LEG. GULDI:**

Motion to approve.

**D.P.O. CARACAPPA:**

Motion to approve by Legislator Guldi, seconded by Legislator Lindsay. On the motion, Legislator Alden and Carpenter.

**LEG. ALDEN:**

We heard in Parks that -- I believe there's an 80 somewhere between 80 and \$100,000 is the replacement costs for these vehicles. We went out and brought a second showmobile with the understanding that we would then at that point have two showmobiles for Suffolk County. In Parks they are looking -- I don't believe they are done with their investigation into it, but this can be refurbished for a small fraction of what it would cost us to go out and buy another showmobile. Plus, they're also looking at the possibility of placing this on a permanent location in one of the parks where there's an added need to use this vehicle. I don't believe that we should be giving away, whether it be County cars or County vehicles or even a showmobile at this point, not when the replacement cost is \$100,000.

**D.P.O. CARACAPPA:**

Legislator Carpenter. Legislator Crecca.

**LEG. CRECCA:**

Just briefly, it's truly nothing personal, but I do agree with Legislator Alden, that we've already had opportunities where we could use both showmobiles at the same time. I know there's an event next year where we need tow different showmobiles. The idea is just to keep this so that the County can use it and our Parks Department can use. And that's the only reason why I won't be supporting the bill.

**D.P.O. CARACAPPA:**

There's a motion and a second to approve. Legislator Lindsay.

**LEG. LINDSAY:**

I'm not on the Parks Committee, but I thought that the report back from Parks was that this, they though, wasn't worthwhile repairing, and that's why they excessed it.

**LEG. CARPENTER:**

They did not make the decision to excess it. I'm not exactly sure of how they get to that point, but they did not request that it be decommissioned. The fact is that they've already talked to

the camping group. There would be some cosmetic things that would need to be done to it, but they could station it as a permanent showmobile at Cathedral Pines, which is one the largest camping parks, and they have their annual campouts and camparies. And it will just, you know, help us utilize showmobiles and not have to take the one that we have and complicate things.

**D.P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Bill -- Legislator Lindsay, just in furtherance of that, when they originally came to us for the replacement, not really replacement of the showmobile, it was for an additional showmobile, that's how it was presented to us in Parks. And that was the whole program, there was need for more than one showmobile in Suffolk County and that we should go out and purchase one for \$100,000 and then use this other one. It would take the burden off of using this one, and they could use it on a local basis. But they still presented it as a need for two showmobiles.

**D.P.O. CARACAPPA:**

Any one further? There's a motion and a second to approve. All in favor? Opposed?

**LEG. ALDEN:**

Abstain.

**LEG. CARPENTER:**

Opposed.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. GULDI:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. COOPER:**

Abstain.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

No.

**LEG. CRECCA:**

No.

**LEG. CARPENTER:**

Abstain.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

No.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

Eight.

**D.P.O. CARACAPPA:**

Resolution fails. **1531, approving amended cross bay ferry license for Bay Shore Ferry, Inc.** I make a motion to approve, seconded by Legislator Bishop. There's a motion to table by Legislator Foley, seconded by Legislator Alden.

**LEG. ALDEN:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

I would just recommend that because there's no need to rush to judgment on this at this point, it really affects -- at this point, it really doesn't affect this season at all, it doesn't affect the winter schedule. It would really affect what we're going to allow to happen next year. We still have four months before any enhanced schedule would kick in. I think it's maybe even five or six months for next year. So at this point, if there's a lot of questions that are open as far as whether they are in compliance or not in compliance with their docking, which is in my Legislative District, we still have to wrestle with the fact of how involved New York Ferries, which is, I believe, a New Jersey corporation would be in the operations coming in. So I think there's a lot of safety issues, there's a lot of schedule issues, and there's still a cost issue that really has to be wrestled with next year. There's no rush to do this. So I would recommend tabling it.

**D.P.O. CARACAPPA:**

Motion has been made. I'd ask the person that made the motion, Legislator Foley, would you be

willing to make that a motion to a date certain in the new year, the first Legislative meeting of the upcoming 2004 Legislative cycle?

**LEG. FOLEY:**

The first regularly scheduled, meaning no sooner than the end of January, I would imagine.

**D.P.O. CARACAPPA:**

Not including the Organizational Meeting.

**LEG. FOLEY:**

I'll amend my motion as it was expressed by the Deputy Presiding Officer, however, I would say that between now and that date I think it would be helpful if the applicant would sit down not only with myself, but other interested parties to try to come to some understanding on the issue. Because I think there's some fundamental differences of opinion about the issue and assignment of license and the like. So prior to -- to the -- tabling this to a date certain, prior to that particular date, the applicant and those of us that are interested in ferry services in the County should get together at some point in early to mid January to see if there ever can be a meeting of the minds about this expanded schedule for this particular ferry applicant.

**D.P.O. CARACAPPA:**

There's a motion and a second to table to the first General Meeting of the Legislature.

**LEG. CARACCILO:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Legislator Caracciolo, on the motion.

**LEG. CARACCILO:**

On the resolution, has this proposal been submitted to the Budget Review Office for consideration and review?

**D.P.O. CARACAPPA:**

Yes, it has. There was a report issued months ago.

**LEG. CARACCILO:**

And just if you could summarize that report.

**D.P.O. CARACAPPA:**

They met all the criteria outlined by this Legislature that all ferry companies need to comply with on our level. There are some issues in the Town of Islip that the applicant needs to deal with, and it's been brought to my attention that he is, but everything that we're responsible for with relation to being a mini Public Service Commission has been met as reported in BRO's report.

**LEG. CARACCILO:**

The Bay Shore ferry operates from Bay Shore to Fire Island?

**D.P.O. CARACAPPA:**

Yes.

**LEG. CARACCILO:**

Okay. Whose district is that?

**D.P.O. CARACAPPA:**

Legislator Alden. Then the landing points are Legislator Carpenter.

**LEG. CARACCILO:**

Thank you.

**D.P.O. CARACAPPA:**

There's a motion a table and a second to a date certain. All in favor? Opposed?

**LEG. GULDI:**

Opposed.

**D.P.O. CARACAPPA:**

Opposed, Legislator Caracciolo, Legislator Guldi, Legislator Vilorio-Fisher, Legislator Bishop and myself and Legislator Nowick.

**MR. BARTON:**

11.

**D.P.O. CARACAPPA:**

It's tabled. **1570, (to establish land development policy for mixed use smart growth in Suffolk County).** Legislator Bishop.

**LEG. BISHOP:**

Motion to approve.

**D.P.O. CARACAPPA:**

Motion to approve by Legislator Bishop, seconded by Viloría-Fisher. Explanation.

**LEG. BISHOP:**

I think you have a memorandum in front of you which attempts to summarize.

**LEG. ALDEN:**

Then I'd ask for a 15 or 20 minutes recess so I can digest this or if you want to just give me an explanation. Let's skip over it.

**LEG. BISHOP:**

You want to skip over it, then we'll come to --

**LEG. ALDEN:**

Yeah, because in all fairness, I was just handed the memorandum. But I'll listen to your explanation if you want to do that.

**LEG. BISHOP:**

I would just read the memorandum verbatim.

**LEG. ALDEN:**

Let's skip over it.

**LEG. BISHOP:**

Till when?

**D.P.O. CARACAPPA:**

Let me ask a question of it if you don't mind. Legislator Bishop, this deals with sewer hookups as was mentioned by the speakers and as was outlined in the memorandum and the resolution. Nowadays, if you are outside of Southwest or any other sewer district, and being a member of the Sewer Agency I see this more so than sewer hookups, that is large developers come in and they're building what are now much cheaper more efficient on-site sewage treatment plants. This doesn't deal with that in any way, shape or form.

**LEG. BISHOP:**

No.

**D.P.O. CARACAPPA:**

This is a concern.

**LEG. BISHOP:**

This resolution is designed to encourage first and foremost affordable housing creation and secondarily, creation of smart growth which are mixed use projects. And it attempts to incentivize those projects by providing relief from sewer connection costs. In the area of affordable housing, if a project is an affordable housing project, it would also be eligible to have the line constructed from our capital fund on multifaceted from the development to the main. So these costs taken together can be rather expensive. And as the Long Island Housing Partnership explained on the developments that South Wind Village, is it? That if this resolution where in place, it would have reduced their costs and would have allowed for them to pass those cost savings along to the ultimate consumer, which is the people that we are trying to help ultimately.

**D.P.O. CARACAPPA:**

Understood. But it only takes into certain geographical acres of the County. I'd ask the question of Counsel. Counsel, are we prohibited in the law to not allow authorization or approval through Sewer Agency which on-site sewage treatment plants are approved by at least conceptual certification? Are we able to dictate among those developers through that process of approval that they must do affordable housing units a certain way to get an approval by the Sewer Agency?

**LEG. BISHOP:**

That's how we are doing it.

**D.P.O. CARACAPPA:**

I know. I'm asking if that's possible.

**MR. SABATINO:**

Yes. Conceptually what you can do is it would be a two stop process. It would be ad hoc as opposed to a uniform established process, which this resolution is calling for. But in your scenario what you would do is at the Sewer Agency level, when they make the recommendation, they could make the recommendation subject to certain conditions, that's one scenario. The alternative scenario would be the Sewer Agency makes a recommendation, but the Legislature doesn't agree and wishes to impose conditions X, Y and Z, which could be affordable housing, could be, you know, certain percentages of certain types of construction. You could do that at the stage when you see the resolutions come before, for example, the Public Works Committee. So the answer it yes. The difference would be though there you would be doing it sort of on an ad hoc basis. And you have to be careful that you don't become arbitrary and capricious where, you know, two applicants come in over the course of one year and they're treated disparately. The difference here is that this bill is establishing sort of like a uniform set of protocols, which people could either qualify or not qualify for. But again, even under this resolution, the Legislature has to make -- has to pass resolutions along the way to implement this.

**D.P.O. CARACAPPA:**

The reason I bring up Sewer Agency is because any on-site sewage treatment plant does not come before the Public Works Committee or the Legislature as a whole. And again, my concern - - I think we'd be helping many more people in Central Suffolk and the East End where development is going on at a rapid pace. And most of those developments are using on-site sewage treatment plants, but need authorization from the County to do so. I think we should look at that, we should include that some how, some way through the Sewer Agency approval process. And by doing so, I think we help many more people in Suffolk County as opposed to keeping it at a narrow scope of our Suffolk County sewer connections.

**LEG. VILORIA-FISHER:**

Mr. Chair.

**D.P.O. CARACAPPA:**

I'll put you on the list. Legislators Fields, Alden Crecca, then Vilorio-Fisher.

**LEG. FIELDS:**

I have two questions, Legislator Bishop. One of the complaints that I have had regarding affordable housing in the past and developments is how you ascertain whether or not a complex that is proposed is actually affordable. And the second complaint that I have is that once these developments are built and the connection fees are lessened, how do you continue to keep those apartments or houses affordable in a resale? Or if it's a rental, how do they stop them from becoming the same amount of money that anyone else would have to pay? So I think the question I have is if a developer is going to come and follow this particular legislation and have a decrease in the sewer hookup, then how do we make sure that it is, number one, indeed affordable, and number two, how do we keep it affordable for the constituents in Suffolk County?

**LEG. BISHOP:**

I'll defer both questions to Counsel.

**MR. SABATINO:**

Each of the affordable housing initiatives in Legislator Bishop's resolution ties back to the existing County Affordable Housing Program. That's why you see a reference to Chapter 36 of the Suffolk County Code in each of those sections. Whatever those existing standards are right now in terms income and of eligible people as well as the median value which is tied into a federal index, I don't recall the exact numbers, that will be the standard. So it's not as though Legislator Bishop is trying to create a new standard or a new affordable housing program. What he is saying is he's trying to build off of the existing code. Now, if people are complaining to you about that code, then the answer would be you'd have to go back and adjusted Chapter 36, change income levels and change median home values to effect not just that program, but also what's going to be happening under this legislation.

**LEG. FIELDS:**

So in other words what I'm really trying to get at is when a developer says I am about to propose 300 apartments and 10% or 20% are going to be affordable, how do we know what that affordable amount is? Is it -- you know, if it's rentals, is it \$1200 a month? Is it \$800 a

month? How do we -- do we know that there's an actual monetary value for affordable? Or do developers come and say, I have a smart growth proposition here, and I'm going to build 300 apartments and I'm going to call them affordable, they come to the County, we say, okay, you have a decrease in your sewer hookup, then we find out that he's renting them for \$2000 a month. That's -- what's the recourse and how do we prevent something like that from happening?

**LEG. BISHOP:**

Paul, the question essentially it what's the resource in 36.

**MR. SABATINO:**

Well, the recourse as I -- no. I have to go back and double check, but my recollection of the recourse is that -- that either the County gets it money back or they get back title to the property, because Chapter 36 revolves around the notion of the County putting money into the actual underlying lands. So my recollection is you get the land back or the money. But, I mean, it's a good -- it's a valid point. But to the extent that there's a problem, the problem exists -- maybe the numbers in chapter 36 are no longer, you know, relevant. I don't know. That bill was adopted in the Year 2000. I haven't heard specifically --

**LEG. BISHOP:**

Her concern is not with whether the numbers are adequate, her concern is that developers are unscrupulous, and they are going to take advantage of the program and renege. So how -- what is the framework of 36 for determining whether they're -- their veracity of a proposal?

**MR. SABATINO:**

Well, you would have to file paper work. I mean, you talk about people being unscrupulous, potentially there could be fraud. You can't.  
file --

**LEG. BISHOP:**

Absent fraud.

**MR. SABATINO:**

Well, I think what's being described though is fraud, which is you represent that you are complying with the terms and conditions. The terms and conditions lock you into a dollar value

and you do something different, that's fraud.

**LEG. BISHOP:**

The terms and conditions are what under 36?

**MR. SABATINO:**

I have to go pull the book. I mean, I don't have the numbers memorized.

**LEG. BISHOP:**

But it's reserving units for income levels, is that?

**MR. SABATINO:**

It's based on -- it's based on income as well median value of the property. Those are the two standards. You have meet both.

**LEG. BISHOP:**

The units have to be reserved for people in that category.

**D.P.O. CARACAPPA:**

Legislator Fields' question is what safeguards do we have now to keep them from reneging? Are there safeguards that --

**LEG. BISHOP:**

What he's saying is if they fail to do that, then they default and the County can either take the underlying land if it's one where there's -- that structure is available or get the money back.

**MR. SABATINO:**

Or prosecute for fraud if people misfile the paperwork, that's different from what they actually do. Those are three possibilities.

**D.P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

I'll direct this to either the sponsor or Paul Sabatino, under IR 1570, the definition of or

classification of a project is being that of smart growth, does that have to include affordable housing units, or is it possible to do smart growth without?

**LEG. BISHOP:**

Correct. It's possible to do smart growth without an affordable housing component. However, to get -- to maximize your benefit, as a developer, you would need to include affordable housing. Lesser benefits are available to a mixed used project that does not contain affordable housing.

**LEG. ALDEN:**

It looks like a 25% reduction in the sewer hookup. I have a question, I'll direct this, again, to the sponsor or to Legislative Counsel, in your memorandum under affordable housing, number three, you propose that if a housing project is 77% more affordable -- okay -- funding is to come from the affordable housing capital project funding line. Does that require any additional changes or modifications to the original --

**LEG. BISHOP:**

Multifacted program.

**LEG. ALDEN:**

Multifaceted program.

**LEG. BISHOP:**

It may. I'll defer.

**MR. SABATINO:**

What it will require is a couple of things. One, you may have to augment that funding, because right now, I believe, that the out year has \$5 million. So \$5 million may not be sufficient to carry the program to its totality. But secondly, what you would have to do is you would have to appropriate the money to a project specific, and in that case, you would specifically identify that it's being used for infrastructure improvements. By way of example, a few years ago, when an initiative had been adopted to try to encourage the towns to use pilot money for affordable housing, that precise clause was included in that resolution. The option was there for the town to take that money and use it for the infrastructure improvements just as you see here. Nobody took advantage of it. But the concept has been out there. It's just a question of wording it

when you get to the next -- well, to the intermediary stage to appropriate the money.

**LEG. ALDEN:**

I like where the sponsor is going with this, but I would hope that if it does -- if it does get passed today, and I'm not sure whether I'm supporting it or not at this point, I'm going to read through this a little bit more, but I would hope that you would be open to some modifications of this, because I can foresee some problems, especially with Southwest Sewer District as far as capacity and things like that. And if we've got a program that's offering discounts, what we talked before, arbitrary, capricious in the article, this -- we're opening ourselves up to some liability that if we have this as our policy, and we can't deliver because of capacity and things of that nature, there could be few problems. I do like where you went in paragraph three, but I would actually like to see if the project is more like in the range, you know, like, almost 100% affordable housing project that we would be able to go in there and help with their infrastructure costs to actually make that even more affordable as was presented before.

**LEG. BISHOP:**

May I respond since it was directed to me?

**D.P.O. CARACAPPA:**

Go ahead.

**LEG. BISHOP:**

Of course this is a complicated resolution. It may require tweaking later on, adjustments. Of course, i'm open to that as I hope my cosponsors Legislator Crecca and Lindsay are. What I want to say is that in the creation of this resolution we worked with the Planning Department extensively. As you know, it's gone through numerous revisions, that's why we're here at the end of year rather than at the beginning of year when it was first filed. And I think that demonstrates that your corner will be met, that we will be continually adjusting it. Just like Legislator Caracappa's concern of something that's more viable for Central and Eastern Suffolk County can also be met with a complimentary subsequent resolution, which I will certainly support.

**LEG. ALDEN:**

With that, and again, I haven't decided whether I support it or not, but I do have some grave concerns with the idea that on smart growth with the value of property, and property has been

going up in leaps and bounds, that we're actually giving a discount or we're going to give some kind of an economic benefit to somebody that would develop the property anyway in the proper way. If we were to limit this to affordable housing, I think that that's maybe where we should be going as far as concentrating on our money and --

**LEG. BISHOP:**

Let me just make one more point. There's nothing as of right. This is -- everything coming out of this resolution has to be subsequently approved by the Legislature on an individual basis. So you're not giving anything away, you know, at this time. What you're doing is you're authorizing a process to begin where ideas can come forward, and if they meet the Planning Department's smart growth notion and this Legislature's ideas of what would be a positive process for the County, we would be incentivizing that kind of development. The bottom line is the only tool that we have in land use development is really the sewers. And we're trying with this resolution to use that tool to get the kind of development that we think is best for the County.

**LEG. ALDEN:**

Just to answer. That's not the only tool that we have. We do have money that we have authorized that we can actually subsidize if somebody wants to go into affordable housing. And I would like to see that even loosened up and made even more available to different people. So we have other tools. And the power of money might be one of the tools that we want to use. This is something that once we establish a policy, we might be going down a road where we are opening ourselves up to some kind of litigation. So we just have to tread very, very softly, I believe, as we're opening up new ground here, because you say you're not establishing new rights, but it can be looked at as a policy, you have established the right. But I do --

**LEG. BISHOP:**

Let me make it clear on the record then that there's no right established.

**LEG. ALDEN:**

Good. All right.

**D.P.O. CARACAPPA:**

Legislator Crecca then Vilorio-Fisher.

**LEG. CRECCA:**

I cosponsored this and worked on it with Legislator Bishop because I believe it is a very good first step, number one. Number two is it does accomplish two goals. Number one is does -- it is not limited to geographic areas. Its only limitation is obviously within a reasonable range of a sewer district. But I think more importantly, it allows flexibility for a developer on two levels; one is to take what are abandoned shopping centers, institutional sites or other facilities and sort of redevelop them. And understand, we're talking about four out of seven uses on any given site. So you're talking about a mixed use. So I think that takes out the fact that Cameron was concerned about, and a legitimate concern, about a developer who's going to redevelop it anyway. This puts an extra burden on them to really mix the use up, and it gives some added incentives if they to make one of those uses -- and the more affordable housing they put on that site, the better their incentive becomes.

We haven't been able to accomplish much in the way of affordable housing. And I don't think it's the fault of this Legislature, it's because we're not normally the jurisdictional or the governmental body that has jurisdiction over land use. But this bill allows us at least to take a bite at it, to give developers more of an incentive to build some affordable housing, and at the same time, experiment with some of this reuse or redevelopment of property. I can think of a half dozen locations off the top of my head that would really fit into this well that have sat abandoned with broken windows for, you know, literally years, that may be now it might give a developer some incentive to refurbish. So I'd ask for your support of this. I think that the bill is a good bill. And I think that it certainly could be enhanced down the road with subsequent legislation and other programs, it doesn't preclude other programs.

**LEG. ALDEN:**

I'm going to take your comments seriously in spite of your tie.

**D.P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

My comment was actually going to be directed toward your comment, and I believe that Legislator Crecca has done that with the notion of this being an initial bill, a beginning. And smart growth, affordable housing are concepts which are very large, and you can't address them

entirely with any one resolution or policy statement. So I believe we've heard of many different issues that can be subsequent resolutions and subsequent policy decisions that we make.

**D.P.O. CARACAPPA:**

Right. And just to respond to that, if you look at what's being developed on the East End, Eastern Brookhaven and the five East End Towns ends with PRCs and multi families with on-site treatment plants, they are being buried into these areas that are -- have no access to anything, and they are really the worst --

**LEG. VILORIA-FISHER:**

The antithesis of smart growth.

**D.P.O. CARACAPPA:**

Completely against what we're trying to accomplish today. And we do have recourse through the Sewer Agency and the conceptual approval of those sewer treatment plants, which are much more environmentally unfriendly then hooking our sewage treatment plant facility. So that's what I wanted to put on the record.

**LEG. VILORIA-FISHER:**

The Brookhaven delegation can work on a subsequent resolution.

**D.P.O. CARACAPPA:**

And we will. We will. Legislator Lindsay, the Caracciolo, then Foley.

**LEG. LINDSAY:**

Probably one of the major problems that this County faces, certainly over the next decade, is the availability of work force affordable housing. Last year, there was a study done by the Long Island Housing Partnership that pegged the number at 95,000 units we need in Suffolk County. Later in the year the AFLCIL did a similar study, came up with the number of 91,000 units. We lead the state in our young leaving this County, because there's no place to live. They go to college and what do they do? They go somewhere else. It's a serious, serious problem.

I don't believe that this is the solution to that problem by any means, but it's a step in the right direction. And yet this will primarily effect the western end of our County, where there is very little property available, where the concepts of smart growth can be applied most effectively

and, you know, to use mixed use and mixed income developments to create that incentive for developers to include in every one of their developments, but whether it be a retail development or strictly a residential development, components of affordability makes sense, because the only way you're going to take a bite of that apple is to create a program that would be broad based.

Legislator Fields asked a real good question before, and she really wasn't answered. It's something that one -- if this does pass, when we develop rules and regs, we should really look at, and that is what happens when the initial development is built and affordable and has a discount and is sold that way, what would prevent someone from profiteering from that in a couple of years and flipping it for market value after we subsidized the project? And the answer to that is something that the Long Island Housing Partnership does in all their developments, they apply a covenant to any of the their sales, that for years, because the project is subsidized, you can't sell it at market value. You know, there's an incremental value.

The longer you have it, the closer you get to market value. But you can't, like, purchase an affordable unit, and in two years turn around and flip it for market value, because it would really be taking advantage of the system. And I think that's something that we should look at, but I think it can be done under the regs if this resolution is passed. I am a co sponsor, and I wholeheartedly endorse the resolution.

#### **LEG. CARACCILO:**

Thank you, Mr. Chairman. Let me echo Mr. Lindsay's last comments.

about -- I think this is a work in progress. I don't think we should approve it today. I think absent the kind of rules and regulations that will govern this program, you are just, you know, getting into something, and then as it's implemented, you are going to have a lot of people who are going to want different regulations or less regulations. And it's really going to bastardize the program. And it's like a lot of things that Legislature gets itself into here. You come up with a good concept, but you lack the detail and specifications to really make the program achieve the effective level you would like to achieve. These are great pieces of sound bite legislation.

Mr. Levy was famous for them. Now -- all right. I'm waiting for his new round in January and February, I'm looking forward to it.

But that said, does this have the support of the Planning and Health Department? I haven't seen them speak to this proposal. But absent the kind of specification that I would feel comfortable with, I don't know that the goals and objectives behind the Legislative intent will

ever really materialize. The financial impact statement says there is none. Well, I'm not quite sure I understand that. How could there not be some kind of financial impact, positive or negative, on the County if we are going to provide incentives to developers? Who's going to pick up the tab? The notion of PRCs on the East End that are well outside the sewer district really doesn't have any bearing on this legislation.

And, Joe, as you know as former Chair of Public Works in the early '90s when I chaired it for two years, and as a member of the Sewer Agency Committee, we find ourselves time and time again when private developers go in and build projects like PRCs and then flip them by virtue of the agreement they have with the Secretary of State, to the Homeowners Association, in due course after four or five, sometimes maybe a little longer than that, year, then it becomes an incumbrance on the County to take over those facilities and upgrade them at significant cost to residents of that sewer district.

This is, I think, well intentioned, it just lacks the kind of specifics that I would feel comfortable with, and I really don't believe that the financial impact statement is anywhere near accurate, because right here in the resolution in Paragraph B, it says if the proposed land development site is located in a shopping center whose gross retail and or wholesale space is more than 50% vacant, and it gives specifics as to the year and so forth. It then goes on to talk about the kinds of incentives, which are financial, that -- that are incorporated in this. It has to have some kind of financial impact. It just doesn't make sense that it does not. And I'd like to Budget Review to revisit -- office to revisit their FIS on this, because that simply cannot be correct. Thank you.

**D.P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

I would hope that we would approve this resolution. It is -- not only is it a first step, it's part and parcel of an overall strategy to try to redevelop properties in central -- particularly in Central and Western Suffolk. And as many of us know, by redeveloping these properties, it's the hope that would help to defuse this onslaught of development of woodlands and open space. So in and of itself it wouldn't solve the problem, but it's part of a larger effort and strategy of trying to protect open lands, but also to redevelop some of the shopping plazas that many of us have seen that either -- that are presently half vacant, whether in our Township of Brookhaven or other areas in Western Suffolk.

So this is an important piece of legislation. If we as Legislators waited for the perfect bill to be submitted, we'd never have any legislation approved. So this is something that's important. It will be approved upon and built upon, if you will, to use that term, next year, but it's an important component of an overall strategy to help redevelop parcels, at the same time, help to try to defuse some of energy that's being focused on on our open lands. So I support and also commend Legislator Bishop for this resolution.

**D.P.O. CARACAPPA:**

Anybody else?

**LEG. CARACCILOLO:**

I'll make a motion to table.

**D.P.O. CARACAPPA:**

I'll second that motion for the following -- on that motion, I firmly believe in this resolution. I wanted to support it. After this meeting we won't meet as a full body until late January at the earliest. I think work in progress legislation can be good thing. But something of this magnitude and this importance, I think a work in progress might be hurtful as opposed to helpful.

I'd like to participate in helping develop the rest of this legislation, maybe incorporating some of my concerns, Legislator Caracciolo's concerns, Legislator Field's concerns and Legislator Alden's concerns so that we can not have so much of a comprehensive perfect bill, but to have a bill we're much more comfortable with to take that first aggressive -- real aggressive step as opposed to a, you know, well, it could be a good thing. If we wait a month, month and a half, we could take a real aggressive step in not only helping meet the goals of what Legislator Bishop and Crecca and the other cosponsors are trying to achieve, but also incorporate almost all of Suffolk County as opposed to very certain geographical areas that have County sewer facilities at this point in time. So for that reason I'd like to table for -- until the next general meeting of the Legislature with the hopes of fine tuning this legislation so that it is something we all can be happy with, be proud of and something that's actually going to work.

**LEG. CRECCA:**

On the motion to table.

**D.P.O. CARACAPPA:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

I've heard that this is a work in progress, but I just would like to point out it was laid on the table last June, and I got involved with it last summer. So this is something that we have worked on for a long time. You know, it's been on our agenda for more than six months -- I'm sorry, not on our agenda, I apologize, it's been in the Legislature for more than six months. I'm going to a) ask that we -- I'll ask that we move it today, and I'll leave it at that.

**D.P.O. CARACAPPA:**

There's a motion and second to table. All in favor?

**LEG. CRECCA:**

Roll call.

**D.P.O. CARACAPPA:**

Roll call.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**LEG. COOPER:**

No.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

No.

**LEG. CRECCA:**

No.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Pass.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No.

**LEG. LOSQUADRO:**

No.

**LEG. VILORIA-FISHER:**

No.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

No.

**LEG. FIELDS:**

No.

**MR. BARTON:**

Five.

**D.P.O. CARACAPPA:**

Tabling failed. Motion and a second to approve. Roll call.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. BISHOP:**

Yes.

**LEG. VILORIA-FISHER:**

Yes, cosponsor.

**LEG. COOPER:**

Yes, cosponsor.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Cosponsor.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Abstain.

**D.P.O. CARACAPPA:**

Cautiously, yes.

**MR. BARTON:**

16, one abstention, one not present.

**D.P.O. CARACAPPA:**

**1583, amending the 2003 Capital budget and Program and appropriating funds in connection with airport fencing and security system at Francis S. Gabreski Airport.**

Motion to table by myself, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1658, (dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands).** Legislator Foley.

**LEG. FOLEY:**

Motion to approve.

**D.P.O. CARACAPPA:**

There's a motion to approve, seconded by --

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Legislator o'Leary.

**LEG. FOLEY:**

Just let the record reflect that the meets and bounds of the survey has been submitted by the Planning Department to the Department of Public Works and has been submitted as part of this bill. And the Clerk has a copy of the survey.

**D.P.O. CARACAPPA:**

On the motion, Legislator Foley. Basically what this does is take the farmland in Yaphank, which is -- which would be on the south side of the Expressway?

**LEG. FOLEY:**

That's correct. It's the farm that currently is being managed via contract with Cornell Cooperative Extension. It has been a farm, Mr. Chairman, for these many decades, but as few of us know, it's actually not designated as farmland. It's designated as municipal purposes, which could be used in a whole different way ten or 20 years from now. So by transferring this property to the Farmland Preservation Program, it will preserve this property in perpetuity as farmland, as all of us have enjoyed it.

It is something, particularly when we think of Central and Western Suffolk, tens of thousands of school children go to this particular farm to see -- to see the farm, to understand the fact that food doesn't grow in cans, but in fact, comes from the land. And this really is a laboratory, a classroom, for so many children of school age who otherwise would never see a farm.

So it's really important that we transfer this land, because I'll give you this one example, I won't say which township, but there was an issue of whether or not certain lands where in parkland. It ended up being designated as municipal purposes, 20 years later, it was used to expand the landfill along Sunrise Highway. I wouldn't not want to see something similar happen here with lands. It's too important. We're preserving a lot of land, private land as farmland, we should be preserving public farmland as well.

**D.P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes, Mr. Chairman. I want to go on record absolutely supporting this resolution. I want to thank Legislator Foley for so carrying the ball on this in the void that -- this particular piece of property is in my Legislative district. For the record, the residents of Yaphank strongly support this particular resolution, and I -- I embrace that as well. And in the true spirit of open space preservation, this is an ideal position for us to be in to continue that ideal mode. Thank you.

**D.P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

I'll ask the sponsor or Legislative Counsel, is this part of the parcel that was going to be used for golf course construction?

**LEG. FOLEY:**

I don't think so. This is basically 200 -- 200 tilled acres, cultivated acres, none of which -- I don't believe any of which was part and parcel of the proposed golf course.

**D.P.O. CARACAPPA:**

This is just north of that, Cameron.

**LEG. ALDEN:**

I just want to get, you know, a sense of -- there was another part that was designated, and I guess that's south of this also for expansion of either Public Works or the Police Headquarters, that's nowhere near this then, right?

**LEG. FOLEY:**

Well, it's near it, but it's not part of this.

**LEG. ALDEN:**

Good. Thanks.

**D.P.O. CARACAPPA:**

Okay. There's a motion and a second. All in favor? Opposed? Abstentions? It's approved.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1748, (Authorizing the County Comptroller and County Treasurer to close certain capital projects and transfer funds).** Motion by myself, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1761, (making a determination concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan).** Is there a motion?

**LEG. CARACCILO:**

Motion to table.

**D.P.O. CARACAPPA:**

Motion to table by Legislator Caracciolo.

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Seconded by Legislator O'Leary.

**LEG. CRECCA:**

On the motion.

**D.P.O. CARACAPPA:**

There's a motion and a second to table. On the motion, Legislator Crecca.

**LEG. CRECCA:**

Is this the one that needed a correction from the County Executive, Counsel?

**MR. SABATINO:**

Yes, Legislator Crecca. The corrected copy was filed on December 8th.

**LEG. CRECCA:**

I make a motion to approve then. That was the only -- I think the Legislature was prepared to approve it that day short of the --

**LEG. VILORIA-FISHER:**

Second.

**D.P.O. CARACAPPA:**

There's a motion to table which takes precedence. We have Dr. Mermelstein coming this afternoon as part of the Administration's comments on the record to talk about this. So we could -- we could pass over this.

**LEG. CRECCA:**

Why don't we -- you want to withdraw all -- I'll withdraw my approval motion if you'll withdraw your tabling motion, and we'll pass over it at this time.

**D.P.O. CARACAPPA:**

Why not? Skip over 1761 until after we hear testimony. **1972, (amending the Suffolk County salary and Classification Plan in connection with the creation of the Title Medical Records Administrator and amending the 2003 Department of Health Services budget to include this position).** We're going to skip over this as well. We have some testimony concerning that from Alan Schneider. 1979. Counsel, do we have to approve 1978 first before we do this bond?

**MR. SABATINO:**

Yes. 1978 and 1979 have now been explained in committee as being related and tied.

**D.P.O. CARACAPPA:**

I'd ask everyone to turn to page nine, and we'll do those first before we do the bond. Motion to take 1978 out of order by Legislator Foley, seconded by Legislator Crecca. All in favor? Opposed? Abstentions? **1978, (a resolution to rescinding bond Resolution number 793-2003, adopted September 16, 2003, and repealing the authorization of the issuance of \$23,000 Serial Bonds of the County of Suffolk, New York, to pay part of the cost of the purchase and installation of bus stop location signs)** is now before us. Motion to approve by myself, seconded by Legislator Foley. This is just a straight up and down vote on this roll call, right?

**MR. SABATINO:**

Correct. It takes -- 1978 will take 12 votes.

**D.P.O. CARACAPPA:**

All in favor? Opposed?

**LEG. CRECCA:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

This is on 1978, I have a quick question. I apologize for the delay. Why don't we just do it in pay as you go since it's such a minimal amount instead of bonding it?

**D.P.O. CARACAPPA:**

It's repealing the authorization of the issuance.

**LEG. CRECCA:**

Oh, this is the repeal. I'm sorry. Nevermind. I'll save that question for the next bill.

**D.P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1979 A, (a resolution authorizing the issuance of \$19,500 Serial Bonds of the County of Suffolk, New York, to pay part of the cost of the purchase and installation of bus shelters).** Motion by Legislator Foley.

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Seconded by Legislator O'Leary. On the motion, Legislator Crecca.

**LEG. CRECCA:**

Let me try this again. Why are we bonding 19,500 instead of just doing it out of pay as you go? I understand they are bus shelters so they have a life, but it's just such a minimal amount.

**LEG. ALDEN:**

Not much of a life, though.

**LEG. CRECCA:**

That's right. It's a sheltered life.

**LEG. CARPENTER:**

It's a wonderful life.

**MR. SABATINO:**

The problems with these two resolutions is this is something that took place in the Year 2000. So because there was -- there was a need to correct action that was taken in the Year 2000 with regard to how the funding was done with state and federal financing, you really don't have the discretion at this point -- I mean, I know what you are saying in terms of doing pay as you go now, but you are correct, it's something from the Year 2000, you really can't apply the current money we happen to have now. With that budget note, we can't use it now retroactively. That's the problem.

**LEG. FOLEY:**

It's already been paid for.

**LEG. CRECCA:**

Good explanation to me.

**D.P.O. CARACAPPA:**

There's a motion and a second, roll call.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. FOLEY:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

16, two not present.

**D.P.O. CARACAPPA:**

It's approved. **1852, (adopting Local Law no. -2003, prohibiting use of invasive plant species by the County of Suffolk.** Motion by Legislator Caracciolo, seconded by Legislator Field. Question, Legislator Lindsay.

**LEG. LINDSAY:**

Maybe to the sponsor, how are we going to do this exactly, or is this --

**LEG. FIELDS:**

There is a list of the species. And I believe that what we're going to try to do is to have a survey of those species in County land that are invasive and then move along to try to figure out how we can get rid of them utilizing all of the rules and regulations that we have in the County and also to make sure they do not continue to grow and choke out all the rest of the ecology that we have that helps our habitat and our wetlands and other properties.

**D.P.O. CARACAPPA:**

Legislator Binder. Legislator Crecca.

**LEG. BINDER:**

Do we have a cost for clearing out all these invasive plants? Maybe Budget Review, do you know what this will cost Suffolk County do to this?

**MR. POLLERT:**

The cost is going to be substantial as reflected in the fiscal impact statement. There is no funds appropriated for the removal at this point in time. We have no cost estimate because they are so prolific and they --

**LEG. BINDER:**

That's why they're invasive.

**MR. POLLERT:**

Yeah.

**LEG. BINDER:**

They are actually invasive.

**MR. POLLERT:**

Yes, they are.

**LEG. BINDER:**

Do we have any idea as to how many people it's going to take? How much -- how many -- how much staff that could be doing, I guess, other things while they are killing plants?

**MR. POLLERT:**

No. Actually we contacted both Parks and the department of Public Works, and they couldn't give us a cost estimate.

**LEG. BINDER:**

Well, it would seem to me -- I guess the knee jerk response is invasive plants sound pretty bad. I mean, politics, we don't like invasive politicians, and we don't have invasive things all over choking

off other things. Democrats maybe. And so knee jerk response is, yeah, let's kill all the invasive plants before us kill us or kill out wetlands or whatever they are going to kill, but the point is we don't even know the cost and impact of this on the County. We don't know if we try to do this what resources will have to take away from other maybe more essential County services. And so I'd just don't think this is a proper time to support something until we can get more definite information from our departments as to the resources it will take in terms of personnel and cost.

**LEG. CRECCA:**

I actually had done some research in this area.

**LEG. BINDER:**

In your backyard?

**LEG. CRECCA:**

No. Actually, I do have invasive plants, Chinese lanterns have taken over my yard. But one of problems, and the reason I did not pursue this was that cost and man hours involved in the project of this nature is absolutely -- it's unfathomable, not just from a financial point of view, but from man hours and the ability to actually do it. So it's -- I think it's Paragraph D of Section Three that's really a major, major problem here. I believe it would actually be impossible and cripple County Government to try to eradicate these invasive plant species. I want to make a motion to table the bill.

**D.P.O. CARACAPPA:**

Motion to table by Legislator crecca, seconded by Legislator Binder. On the motion, Legislator Bishop.

**LEG. BISHOP:**

I want to ask Counsel how it's structured. Paul. Is there an affirmative requirement that the County has to find all invasive plants on our land and eradicate them?

**MR. SABATINO:**

The starting point is it's County owned, operated, maintained, leased lands, anything the County has jurisdiction over. Parks Department and Public Works are directed to go and conduct an

inventory using that list of 20 invasive species, which are attached as Exhibit A, identify those within a six month period. And I believe it's a one year deadline to -- well, two things. One is go out and replace those and repair any damage associated with that. And then in the future not use those invasive plants on County property. So it's prospective as well as remedial in terms of what's out there.

**LEG. BISHOP:**

Now, the prospective aspect of it, does that require, you know, compliance by a concern date?

**MR. SABATINO:**

No. Prospective is easier because prospective just says that on or after the effective date, don't use these 20 --

**LEG. BISHOP:**

I'm sorry, not the prospective, but looking back at what we have now.

**MR. SABATINO:**

There's a one year -- there's a one year deadline measured from January 1st of 2005. So it would have to be completed by -- the retro aspect, which is the restoration would have to be completed by January 1 of 2006.

**LEG. BISHOP:**

All right. Let me ask the sponsor, since it's your final meeting, I don't think there would be any problem in the prospective aspect of this. We don't want to bring in invasive species to the county. But there may be a reticence to do the retro aspect within a year. That seems to be a very costly endeavor.

**LEG. FIELDS:**

First of all, I think there are organizations that would be willing to assist the County. And there are -- in fact, we're doing some wetlands restoration in some of our County parks, and by raising the salinity in that restoration you also end up killing out the phragmites. So there are ways that you can do it that are being done now somewhat, and we can do that further. But I think it would be a got idea at least to get the inventory so that we know what we have, because we're going to be losing some of the land and some of the ability to harbor any kind of plants life or animal life on some of those properties because it will be a monoculture that won't

allow for the natural processes.

**LEG. BISHOP:**

All right. Trying to find --

**D.P.O. CARACAPPA:**

Trying desperately, David. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Let's move the motion.

**D.P.O. CARACAPPA:**

Perfect. There's a motion to table and a second. All in favor? Opposed?

**LEG. CARACCIOLO:**

Opposed.

**D.P.O. CARACAPPA:**

Opposition, Legislator Caracciolo, Legislator Foley, Legislator Fields, Legislator Bishop and Legislator Guldi.

**MR. BARTON:**

12.

**D.P.O. CARACAPPA:**

It's tabled. We will return at 2:30 for public hearings

**(\* THE MEETING WAS RECESSED AT 12:31 P.M. \*)**

**(\* THE MEETING WAS CALLED BACK TO ORDER AT 2:30 P.M. \*)**

**(SUBSTITUTION OF STENOGRAPHER - DIANA KRAUS)**

**D.P.O. CARACAPPA:**

Good afternoon. I'd like to start the Public Hearing portion of today's General Meeting. Mr. Clerk, the affidavits of publication, they've been filed in the proper order.

**MR. BARTON:**

Yes, they are.

**D.P.O. CARACAPPA:**

Thank you very much.

I'd like to go to the first Public Hearing. We have Public Hearing regarding **Intro Resolution Number 1801 - A charter law creating taxpayer office of Inspector General**. I have no cards on this Public Hearing. Anyone wishing to be heard? There's a motion to recess by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public Hearing 1801 is recessed.

Moving onto **Public Hearing regarding Intro Resolution 1860 - Approving Cross Bay Ferry license for Fire Island Ferries, Inc.** I have one card, George Hafele.

**MR. HAFELE:**

Thank you, Mr. Chairman. My name is George Hafele. I'm the President of Fire Island Ferries in Bay Shore. Basically I'm here just to say that we are applying for a license extension for our cross bay and lateral service. And if any of the Legislators have any questions, I would be happy to answer them.

**D.P.O. CARACAPPA:**

Any questions? None at this point in time.

**MR. HAFELE:**

Thank you.

**D.P.O. CARACAPPA:**

Thank you very much. I have no other cards on this hearing. Anyone wishing to be heard? Motion to close by Legislator Fields, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions? Public Hearing 1860 is closed.

**Public Hearing IR 1862 - Approving lateral ferry license for Fire Island Ferries, Inc.**

Mr. Hafele, you put down on this one, too. Did you wish to speak on this one? Okay.

**MR. HAFELE:**

No.

**D.P.O. CARACAPPA:**

I have no cards. Anyone wishing to be heard on this matter? Hearing none, there is a motion to close by Legislator Carpenter, a second by myself. All in favor? Opposed? Abstentions? 1862 is closed.

Moving onto Public Hearing, this is Public Hearing regarding **Introduction Resolution 1872 Adopting a Charter Law creating Suffolk County Department of Aviation.**

**LEG. CARPENTER:**

Motion to recess.

**D.P.O. CARACAPPA:**

I have one card, John Roper.

**MR. ROPER:**

Good afternoon, ladies and gentlemen. My name is John Roper. I'm an airport user at Gabreski Airport. I would ask that the Legislature take a little more time to review this resolution. I'm not saying I'm not -- for it, nor against it. However, there's a lot more that needs to be looked into at the Gabreski Airport.

There's been a lack of planning. In my opinion I don't think it's the structure, whether it's an aviation department or an aviation division that runs the airport. But we need a qualified staff out there. It's not a matter of under-staffing. It's not qualified staffing. We don't have people that understand aviation and the aviation needs. And I would ask that you guys take a little longer and do something to look at the airport itself before you make any decisions on the direction of the control of that airport. Any questions?

**D.P.O. CARACAPPA:**

Any questions? Thank you, sir.

**MR. ROPER:**

Thanks.

**D.P.O. CARACAPPA:**

No other cards, anyone else wishing to be heard on this matter? Motion to recess by Legislator

Carpenter, second by Legislator Binder. All in favor? Opposed? Abstentions? 1872 has been recessed.

**Moving onto Public Hearing regarding Intro Resolution 1884 - Local law to repeal annual audit of County Forfeiture Funds.** I have no cards on this.

**LEG. CARPENTER:**

Motion to close.

**D.P.O. CARACAPPA:**

Anyone wishing to be heard? There's a motion to recess by myself on 1884, second by Legislator Lindsay. All in favor? Opposed? Abstentions? 1884 has been recessed.

**D.P.O. CARACAPPA:**

We have no other Public Hearings. I'd like to make a motion to set the date for the first General Meeting of the year 2004 at the William H. Rogers Legislature Building in Hauppauge for the following Public Hearings: Public Hearing regarding Introductory Resolutions 2074, 2076 and 2078. Motion by myself, second by Legislator Binder. All in favor? Opposed? Abstentions? Those Public Hearings are set.

We're now moving onto the portion of our meeting where we hear from Public Officials. First, Todd Johnson, County Executive's office.

**MR. JOHNSON:**

Good afternoon. Thank you, Deputy Presiding Officer Caracappa. On behalf of the County Executive's Office, I would just like to extend the administrations kind wishes and thanks on behalf of the -- to the Legislature for the spirit of cooperation. The twelve years that the administration has been involved in working on behalf of the County of Suffolk and the residents of Suffolk County, the County Executive Robert J. Gaffney is very proud of his record and very proud of his relationship with each and every single one of you. And I just on his behalf would like to extend his thanks and gratitude.

On a personal note, I would also like to extend my own gratitude to you for my experience in working with this body. You have taught me a great deal, each and every one of you, and our dealings about professionalism and how government should work. And I just want to extend my personal thanks to you on behalf of myself and my staff. I wish Legislator Fields and Legislator

Guldi the best in their future endeavors as I do to each and every other Legislator here.

We do have several items before you today. There are several CN's, which, if you're going to take now, we can discuss.

**LEG. CARPENTER:**

Mr. Chairman, if I could, before you go --

**D.P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

Yeah, just before you go to the CN's, I for one would like to recognize your efforts as the liaison from the County Executive's office. I've been here almost eleven years. And we've had a number of people who have functioned in that role. And I can't think of any that comes to mind who has been as professional as you. You have been a gentlemen. You have really always conducted yourself with the utmost respect for this body and for the members of this body and you really could serve as a role model for some people from the other side of the street. Having said that, thank you.

**D.P.O. CARACAPPA:**

Legislator Fields as well.

**LEG. FIELDS:**

Also, point of personal privilege, Todd, thank you for all that you have done and your professionalism. And good luck to you as well.

**MR. JOHNSON:**

Thank you very much.

**D.P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

Just echo those sentiments. After fourteen years and a number of people being in that position for various lengths of time, I want to let you know that I appreciate your efforts and the work that you have done and the way you have treated us as members of the Legislature and worked

with us. And good luck in everything you do. If there's anything I can do, let me know.

**MR. JOHNSON:**

Thank you very much.

**D.P.O. CARACAPPA:**

Legislator Alden.

**(APPLAUSE)**

**LEG. ALDEN:**

Todd, even when a certain Legislator was kind of out of line and blew up at you and you conducted yourself professionally, and reminded that Legislator that there was certain facts that he should consider. And I appreciate that and I appreciate your professionalism and really your friendship over the past few years. You've conducted yourself in a great manner. And you have been a total asset for the people of Suffolk County. Thank you for your work.

**MR. JOHNSON:**

Thank you.

**LEG. CRECCA:**

I'd like to be part of the Todd love-fest also.

**MR. JOHNSON:**

Thank you. As I said, we do have several departments who are here to speak on a couple of different matters. But if you're ready to go over the CN's, we could address them at this point.

**D.P.O. CARACAPPA:**

Why don't we.

**LEG. FIELDS:**

No, we're not ready.

**MR. JOHNSON:**

Sure, okay. I believe the first one is 2091.

**D.P.O. CARACAPPA:**

I'd ask all members to pay attention to this because these are on the CN's and I'd hate to have

to go back for questioning later when we have time at the podium now. Proceed.

**MR. JOHNSON:**

Okay. 2091 is mortgage tax. There are two CN's which we handed out earlier. They should be in your folder. The others were just delivered today. 2091 is a portion of the mortgage tax by the County Treasurer. This is something which we do on a bi-annual basis. Usually done in December. The second one is usually done in December at the very last meeting. And with tradition here we are. These numbers were just given in to us. This is pretty much part of our housekeeping work the Treasurer does at the end of the year.

**D.P.O. CARACAPPA:**

Any questions?

**LEG. FOLEY:**

Are there any problems with any of the townships as we've had in the past with these?

**MR. JOHNSON:**

No, I'm not aware of any problems with any township. This is about the money we apportion to the town.

**MR. BARTON:**

These figures are provided to us by the County Clerk.

**LEG. FOLEY:**

Okay.

**D.P.O. CARACAPPA:**

If you'd like we could start voting on some of these. Okay. There's a motion on **IR 2091 - Apportioning mortgage tax by County Treasurer** by Legislator O'Leary, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? 2091 is approved.

Okay, Todd.

**MR. JOHNSON:**

Okay. **IR 2092 - Authorizing a certain technical correction to Resolution 862 - 2003.**

**D.P.O. CARACAPPA:**

Motion by Legislator Foley, second my myself. All in favor? Opposed? Abstentions? 2092 is approved.

**MR. BARTON:**

Fifteen.

**MR. JOHNSON:**

Okay.

**D.P.O. CARACAPPA:**

Thank you, Todd.

**MR. JOHNSON:**

I believe the next one is **IR 2093 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with Smith Point Park Beach replenishment.** This is the dredging project.

**D.P.O. CARACAPPA:**

2043.

**MR. JOHNSON:**

2043 you want to do next? Okay. **IR 2043 - Authorizing the County Executive to finalize scope of a Memo of Understanding with New York State Department of Transportation regarding the rest stop facility along the Long Island Expressway.**

**D.P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

Yes, I'll make the motion to approve.

**D.P.O. CARACAPPA:**

Motion by Legislator Binder to approve. Second by Legislator Carpenter.

**LEG. BINDER:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Binder.

**LEG. BINDER:**

I just want to thank County Executive staff for spending the time, maybe not at the front end, it would have caused a little less problems in Committee, but at least at the back end here making the changes. We went over them. I'm comfortable. I've read what you submitted. And it does reflect all of our discussions. And the Legislature should know this does not finalize the Memorandum of Understanding, that it will come back to us. But this let's them start on the process of getting our Highway Patrol into the facility. It starts on the question of sewer hook-up to the southwest sewer district. It starts a process that I'm hoping can be successful as long as we can reduce truck idling emissions at the site.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

Sixteen.

**MR. JOHNSON:**

Thank you very much for your cooperation also, Legislator Binder.

IR 2093 is the next one for you?

**D.P.O. CARACAPPA:**

Yes.

**MR. JOHNSON:**

Okay. This is **IR 2093 - Amending the 2003 Capital Budget and Program and appropriating funds with regard to the Smith Point Park Beach replenishment.** This is the dredging project, which was discussed in Committee, I believe, at the Public Works Committee -- they were told about this?

**D.P.O. CARACAPPA:**

Yes. Absolutely. Just for my colleague's information, it was approved in an emergency meeting

of the Dredge Screening Committee yesterday morning. What this does is just re-authorize the dollars that we've already approved. We originally were going to partner with the federal government and the Army Corps of Engineers.

They have pulled out of their plan to re-do Moriches Inlet where we were going to get the sand to replenish the Smith Point area for which we were looking to do here. Currently there is an off-shore dredge pumping up onto sand for remediation purposes in the Fire Island Pines. They're about to conclude that adventure. And we feel it's actually a really good opportunity to grab them while we can so that we can move forward with that project as scheduled by using this off-shore dredge and moving them just down the beach in a timely fashion. So we can get this done this winter; just reappropriating the funds in this fashion.

**LEG. CARACCILO:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCILO:**

The question I have does not relate to the resolution per say, but it does relate to the issue of the dredging at this location. It seems to me that this is now recurring with some regularity beyond the normal range of dredge projects. And these are very large scale and very expensive projects at that. So my question relates to not being a member of the Committee, what -- is this going to be a permanent solution? And if not, what is the -- what is causing this problem with the frequency that it's recurred?

**D.P.O. CARACAPPA:**

Well, I couldn't tell you why in a scientific fashion, why the erosions happening. I think we all have our theories. Based on the jetties that have been stopped at a certain point along the south shore. That's been pinpointed. Of course, the recent rash of storms that we've had. Permanent solutions? Last year we appropriated funds in the Capital Budget to do an extension of the -- a seawall at that location as well.

So this would be a two-pronged effort in the approach to shore up the beach there as well as protect the TWA memorial. The seawall will be going before CEQ this week. And in talking with

DPW Officials, that project's moving forward in the spring and hopefully completed by the fall. So by doing both the sand and the wall, we're hoping to have a long life with relation to the remediation we're doing currently.

**LEG. CARACCILO:**

Refresh my memory. I kind of remember -- I thought it was this location where -- George, maybe you, for some reason I'm thinking of a sand by-pass.

**D.P.O. CARACAPPA:**

No, no, that was --

**LEG. CARACCILO:**

That was Shinnecock.

**D.P.O. CARACAPPA:**

That was Shinnecock.

**LEG. CARACCILO:**

Okay.

**D.P.O. CARACAPPA:**

Just note that the dredge -- the dredge that is working here, they're working from a collections pit offshore. They're dredging sand from the ocean bottom pumping it up onto shore at the location at Smith's Point.

**LEG. CARACCILO:**

The essence of my question is, is this another temporary fix or is this going to be something that's permanent?

**D.P.O. CARACAPPA:**

We're hoping with the addition of the seawall, along with the additional sand we're going to be pumping up at the end of this winter, that it will be sustainable longer than it has in the past.

**LEG. CARACCILO:**

This particular proposal, was it considered along with others that were perhaps larger and more expensive in scope or --

**D.P.O. CARACAPPA:**

No.

**LEG. CARACCILO:**

Was this the recommendation of the Department of Public Works?

**D.P.O. CARACAPPA:**

As I mentioned earlier, we were going to take the dredge spoils from the Moriches Inlet project that the Corps of Engineers were going to do.

**LEG. CARACCILO:**

Right.

**D.P.O. CARACAPPA:**

The price for that was to take the spoils and ship it down -- truck it down to the area in question. The Corps has pulled out of that project. And they're not going to re-visit it at this time. So what we're trying to do is take advantage of this off-shore dredge that is currently in place doing a job to the west of Smith's Point, which is in the Fire Island Pines. Once they demobilize, which will be soon, they'll be packing up the entire job and moving down to North Carolina. We feel that seeing that we need this job to be done, we need remediation, the dredge is in place, we've approved the money, we should take advantage of this off-shore dredge now and start the remediation process.

**LEG. CARACCILO:**

I understand that.

**D.P.O. CARACAPPA:**

Okay.

**LEG. CARACCILO:**

But I'm really trying --

**D.P.O. CARACAPPA:**

Then I don't understand your question.

**LEG. CARACCILO:**

-- to understand how this is a permanent solution. Is this a fixed, a band aid or is this

permanent?

**D.P.O. CARACAPPA:**

It's part and parcel.

**LEG. BINDER:**

They're going to drain the ocean.

**D.P.O. CARACAPPA:**

With the seawall and the sand, we're hoping it lasts much longer.

Legislator Fields.

**LEG. FIELDS:**

Mike or Legislator Caracciolo -- I can call you Mike today -- one of the problems that we have with the barrier beach, is that the beaches are always moving. So there is no permanent solution. It will be a band aid forever. And you can look forward to putting money into that kind of management, of moving the sand, because the beaches are always moving. It's just part of the erosion complex and the movement of the waves. So there is no solution.

**LEG. CARACCIOLO:**

Thank you. I'm well aware of the littoral drift issue. But I know in other places we have succeeded with permanent solutions. I mean, you always have periodic dredge projects due to the various types of storms and storm damage. But I just -- you know, with a new administration coming in, I'm don't -- I'm just trying to anticipate a year from now, a new administration comes over and says we need another million point 9, by then it'll probably be more than two million dollars, to do a similar project and some people cry foul and say, wait a minute, just twelve months ago we approved this project, why are you coming in with another -- I mean has DPW or anyone -- the Corps come back and proposed if there is such a thing, a more permanent solution than what has appeared to me over the years to be an incremental band aid approach?

**D.P.O. CARACAPPA:**

No.

**LEG. CARACCIOLO:**

Okay.

**D.P.O. CARACAPPA:**

Not at all.

**LEG. CARACCILO:**

That's the question.

**D.P.O. CARACAPPA:**

But keep in mind, too, I think the urgency here at this place where we're looking to do the remediation is, of course, the pavilion, the TWA memorial, which is in jeopardy every time there's a storm. So will the sand be --

**LEG. CARACCILO:**

So, you see, Mr. Chairman, that really is the essence, then, of what my concern is. How in the world did that memorial get built so close to the shoreline that in very short order it was in jeopardy? I mean, who are the engineers involved in that? Mr. Sabatino, do you know what I'm saying?

**MR. SABATINO:**

I understand that. I don't know who are the engineers, but I understand what you're saying.

**D.P.O. CARACAPPA:**

Mike, I think you had a time frame to get out of here at a certain time?

**LEG. CARACCILO:**

I would like to leave by four o'clock, but if I can't, I can't. As long as there is a consensus that we can try to meet that goal, I'll move on.

**D.P.O. CARACAPPA:**

Thank you. I think -- final word -- I think with the seawall project that's going to commence this spring, along with the remediation, I think we'll be in much better shape than with just the sand solution or non-solution. There's a motion to approve and a second. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

(Not Present)

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Abstain.

**LEG. CARACAPPA:**

Yes.

**MR. BARTON:**

Fifteen on the bond.

**D.P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

Moving onto 2094.

**MR. JOHNSON:**

Thank you. **IR 2094 - Establishing a deadline for malpractice liability clause renegotiation for County Health Centers.** This is relating to the indemnification issue with the health centers. It was discussed in Committee.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley, second by Legislator Binder. All in favor? On the motion. Go ahead, George.

**LEG. GULDI:**

On the motion.

**D.P.O. CARACAPPA:**

Do you want to know the change, George?

**LEG. GULDI:**

I see it. I'm reading them. You want to move this -- you're moving it back a year.

**LEG. FOLEY:**

No. We're giving --

**LEG. GULDI:**

January 1, '05.

**LEG. FOLEY:**

No later than August 1st, though, to re-negotiate the contract. There's a deadline on negotiations. It can't go beyond -- well, they have to complete negotiations well before August 1st in order to have the contract, let's say, ready by August 1st. The reason why you have August 1st, is that it gives the County Executive time to incorporate the renegotiated contract into the proposed '05 operating budget.

**LEG. BINDER:**

Mr. Chairman, can I also make a comment on it? The hospitals expressed a desire to find a way to pay for this or figure out some method to make it work for them. The one most interesting thing I found at Committee was that they didn't come out, the hospitals themselves, completely against it and say, please, no way, we're not doing this and we want it not to happen. They said they understand our concern. They understand how we were being hurt by this. And as you know members here I think, not unanimously, but we're pretty close in support of this. But I think it's only fair to give them the time to figure out the financial impact and the way that they're going to have to deal with this. So it gives them at least until August during the negotiation process on the contract to be able to work with us to find a way to make sure they can pay for it.

**LEG. GULDI:**

The only problem I have with it, Allan, and I'll tell you what my concern is, it's really the boy crying wolf. There is not another doctor at any of these hospitals admitted to privileges and treating patients who has not provided the hospital with insurance or been provided insurance by the hospital. They would not permit their organization to take such a risk.

And they operate and have operated for years compelling the taxpayers of Suffolk County to take exactly the same risk that they refuse to operate for even a moment for themselves and are asking us to extend the deadlines a year. I think it's nonsense. I think it's a problem that's gone on far too long. It's a risk that's far too grave. It's this year cost -- Fred Pollert, what's

the number for this year in malpractice settlements? And I caution you we've got five or six more years of these numbers in the tube already. And you want to add another year of it? I don't think it's prudent, Mr. Chairman.

**LEG. BINDER:**

Mr. Chairman, can I answer that?

**D.P.O. CARACAPPA:**

Hold on everyone. There's a list. Legislator Binder, then Legislator Vilorio-Fisher, then Foley. Past that no one shouts out and jumps in.

**LEG. GULDI:**

Can I get Pollert to answer the number?

**D.P.O. CARACAPPA:**

Fred, answer.

**MR. POLLERT:**

It's approximately \$9 million this year.

**LEG. GULDI:**

We did that in one meeting. We did that in one meeting. Two meetings ago we did nine and a half million dollars in a single shot. One case.

**MR. POLLERT:**

We haven't factored that one in yet.

**LEG. GULDI:**

So it's eighteen and a half or twenty.

**LEG. BINDER:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Let George finish with his question. You got the answer, George? Paul, do you have anything to add?

**MR. SABATINO:**

Those are executive sessions, but those weren't all medical malpractice. We settled a whole variety of cases, number one. Number two, you have to understand the way the system works, is that they let these things accumulate normally to the end of like every other year. So it's not like it's \$9 million a year. Full eighteen million included, you know, public works, police, other kinds of claims other than medical malpractice.

**LEG. GULDI:**

You're right.

**D.P.O. CARACAPPA:**

George, you got your answer. Legislator Binder.

**LEG. BINDER:**

Thank you. In letting this go other year, that doesn't mean there'll be eighteen or twenty million dollars because, as we heard from counsel, these were accumulated. These are over years. And now they're being settled now because they've come to that point in the case where it's time to be settled. I don't know what it may cost. We may have to give it time. It's not a question of them crying wolf in the sense that they're saying they don't want to do it. This is -- hospitals are saying we're not happy. And they're pretty forthright about saying they're not happy, but they're willing to find a way to pay for it. But I think it's incumbent upon us when we're going to put a cost on them, that they haven't had over the years, which I think they should have, and I have know problem doing, and, in fact, it was -- I was laudatory to Legislator Guldi in passage of this. I think it's landmark legislation; important that it to be passed.

But we can't act in an onerous way towards our hospitals who are under financial burdens. They have to have their financial people look at the books, look at the revenues and see how they can work to pay for this expense. And they just need the time to do that. I think it's incumbent upon us to give them that time. They work with us. They provide an important invaluable service to the people can't afford the service themselves in Suffolk County. And so it's incumbent upon us to work with them to make this happen. And if it means another year of work together, I think we'll finely get out this cloud that's over us of these settlements. And I would wait the year and do the right thing. Let the hospitals work with us to make it work. So I would hope that everyone will pass the legislation. And, again, I still say I tip my hat to Legislator Guldi because it was incredibly important legislation.

**LEG. VILORIA-FISHER:**

I need to add to that that I agree wholeheartedly with Legislator Guldi. I sat on Ways and Means. And, you know that I'm very supportive of this. However, in looking at the different models that were represented to us, and we're not talking about one contract that is a boilerplate for every hospital. These different community centers and hospitals present a variety of scenarios within their models. In order to have all of them comply with the demands that we're making through this legislation, it becomes a much more complex dialogue.

We need time to look at the different models that are used in the different community areas and have them align in a very consistent manner so that we know what's ahead of us in the future. For example, we did discuss the issue of hiring and firing. That's an issue that was discussed a variety of times in Ways and Means. I know Legislator Fields has mentioned this a number of times at executive session hiring and firing. We don't have the ability to hire -- fire practitioners whom we feel are not meeting the standards that we require.

There are, I think, maybe four different types of contract scenarios where the hiring and firing of the providers occur in -- through a contract or they are hired by the hospitals; some are hired through us. So we have to address many complex issues. The hospitals need more time to do this. The Health Department has indicated that they certainly need more time to address the details. We can't just provide a draconian measure, say this has to be done by January 1st, take it or leave it, when it's a very complex situation.

So it seems to be behoove all of us to be a little patient and try to do the right thing and have one model for all of our contracts with some details and some tweaking to provide individuality within the community so that we're serving those communities well. I suggest we support this CN.

**D.P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. I'd like to join my colleagues in commending Legislator Guldi for pointing to an issue that needs to be addressed. I think we all agree on the goal. It's a question of how soon we will reach that goal. After we had approved the Guldi resolution, both the Health Department and our longtime partners in delivering public health care, our community hospitals, we're told by the County Attorney's Office that whether or not a

renegotiated contract is in place on January 1st, even if there's an extension of the old contract, the terms as provided within the Guldi resolution take effect January one. Now, I don't think any of us had that understanding when we approved the legislation. We thought that it would be renegotiated during the new year. That being said, there literally was panic among some within the community hospital field about literally two-and-a-half weeks, in some cases to come up with an additional million dollars for premium coverage.

With that in mind, we put forth this resolution that will still reach the goal of the Guldi resolution. However, what it does, it gives more time to renegotiate, gives time between the Health Department and the community hospitals who for those of us who watch these things carefully, we know that these community hospitals, some of whom have been thirty year partners with us, are in deep -- have some real financial issues that they're dealing with. So instead of having this draconian approach that the County Attorney has presented to them, that these terms have to be effective January one, what we're saying is we have to reach the this goal. We're going to give until August 1st for the department and the community hospitals to work together over the first half of the year to find the ways in which their particular model, which is fashioned to serve their particular community, can come into compliance with the goals of the Guldi resolution.

Once they do renegotiate their contract, it will then fall upon, if you will, it will then be given to the County Executive at that time who will then propose the '05 budget in September of next year incorporating what the renegotiated contract is. This is, I think, the right approach to take. It gives all sides time to renegotiate in a -- I'll say in a thoughtful way as opposed to rush fashion that the County Attorney is forcing the different parties to otherwise adopt. And it's also a systemic way and a more systematic way in which the County Executive can then take those renegotiated contracts and put those costs accordingly into his proposed budget.

**LEG. CARACCILO:**

I'll speak directly to the resolution in a moment, but first let me comment on reference that Legislator Foley just made about community hospitals and their financial difficulty. Brian, as we both know, and everyone in this horseshoe should know, that goes far beyond the scope of Mr. Guldi's legislation. Community hospitals not only in this County, in this state, but across this nation, face burdens that far exceed their ability to meet on their own thanks to the failure of our federal government first and foremost.

**(RETURN OF STENOGRAPHER - DONNA CATALANO)**

**LEG. CARACCILO:**

The issue here, and the problem I have with this resolution, because I wholeheartedly supported George's legislation, is that it goes out eight months. The problem is in the business world when you have a problem, you solve it and you solve it quickly. It doesn't take eight months to fix this issue. I think the reason behind eight months is a lot of people around this horseshoe completely forget about it. And I wonder wonder who's going to remember in eight months that that time has elapsed and there's no agreement. I'm going to, because I'm going to tickle this tomorrow when I get into the office to make sure that there is a new agreement in place. But the fact of the matter is this is another example of the failure of this Legislative body to step up and fulfill it's responsibilities by putting off decisive action for another day. And that is truly unfortunate, because you know if you start adding up the magnitude of this failure, it's costing taxpayers millions and millions of dollars. And maybe we need a unit of County Government that just keeps track of how many pieces of legislation passed in this chamber that never gets fully acted upon and implemented. And, George, I feel bad that at your last meeting, an excellent and exemplary piece of legislation is -- there's an attempt here to water it down, and I will not support it.

**LEG. VILORIA-FISHER:**

Mr. Chairman, if I may.

**LEG. CARACAPPA:**

There's a list. Legislator Fields, Legislator Vilorio-Fisher, Legislator Guldi.

**LEG. FIELDS:**

Having chaired the Health Committee for two years and then been aware for what's been going on for the past four years, and that's a small amount of time to be watching some of the lawsuits that have come to the County where we have gone in executive session in the Ways and Means Committee for the past four years to either approve or not approve some type of negotiating in the suit, I think we became aware in Ways and Means, and George has been a great Chairman of that committee, regarding some of the suits that have been instituted against the County. And he has responded and nobly with a piece of legislation that says enough is enough. And we have seen absolutely disgusting cases that have come against the County because our physicians in the County centers have not been proper. They have not been good physicians, and they have not followed regular case study of how to take care of a patient, how

to follow up with a patient and how to make sure you are doing everything that you can for the patient.

That's our duty as a County Health Center, and it's our duty hire physicians that do the job and do the job correctly. This legislation I think really short of making it difficult for the hospitals, which we understand are under duress, we are under duress too. The County taxpayers have to foot the bills of these tremendously high cases of malpractice that have happened because of total malpractice and disregard for patients.

So, George, I commend you for putting this legislation before us, and I think it's the duty of the Legislators to make sure that the County taxpayers are protected, nevermind the patients who should be protected because of malpractice that have happened because of very bad decision making by certain physicians in health centers. So I would support this legislation, and I think we -- it's our duty to pass it today.

**LEG. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

This is in response to Legislator Caracciolo's comment. We can't make something occur by feat. Just saying it doesn't make it happen. You need time to work out the details of this very complex issue. I sit on both the Health and the Ways and Means Committee, and to characterize our community health centers as providing a disservice to the public, I think, is a mischaracterization. You did not say that, you said that we would dropping the ball in allowing this to go on for so long, but it takes time to do it right. And it can't be done by feat. The health and community centers are here doing a very good job. You have malpractice in almost any kind of hospital situation. You have some doctors who will make mistakes. And we want to do is make sure we have the oversight and accountability so that we are part of the process in screening those providers. We have contracts that occur in a variety of different models, as I've stated before, and there has to be some way to streamline the way we approach those, contracts, Mike. If you're seeing what I'm saying.

This is very complex, it can't be done over night. This is December 16th. To tell these hospitals and the Health Department that it has to be done by January 1st is just not reasonable, because this has been represented to us to be a time that is needed by the -- our Department of Law, we

also have -- Suffolk County's in transition right now. We have a Department of Law who is telling us they need more time. The Health Department is saying they need the more time, and the hospitals are saying they need more time. We will be watching them.

**LEG. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. And just in closing, the fact of the matter is we're all going to be watching this very carefully, all the interested parties, both from the County as well as the contract agencies and the community hospitals. They are well aware that this is a -- this is a deadline that cannot be transgressed. And I would -- I would underline the fact that in some cases these contracts go back 30 years, some of them 30 years. Within a year's time, they will be changed. Within six month's time or eight month's time, they will be changed. All they're asking for is this window of opportunity to meaningfully and thoughtfully as opposed to doing it in a helter skelter way, which would happen over the next three weeks, in a thoughtful way renegotiate these contractors so that the contracts will be fashioned in such a way that they meet the needs of the particular issue of that -- of those particular communities.

One of the geniuses of the network of the health centers is the fact that each model of delivery is tailored to that particular community. What works in Huntington does not necessarily in Patchogue. What works in Brentwood may not necessarily work in Riverhead. What works in Tri may not necessarily work at -- when we open the new Bay Shore Health Center. So the fact of the matter is these things are complicated. And when you go in committee, and when you hear all the different folks, those who want us to be fiscally responsible, and we all want to be fiscally responsible, but the fact of the matter is that we have been able to deliver health care in this County, not just on our own, but with partners, this approach is going to continue that partnership, but do it in a way that says, you know what, the ways that were -- that the contracts were drafted in the past and approved in the past are over. We all acknowledge that it's over. It's just a question of a little more time so they can renegotiate in a manner that they -- we all can move forward.

Plus I would say this. But giving this extra time, not only is there going to be a difference in let's say the financial picture as to who -- who is responsible for what, but I'm sure as we're sitting here today, part of what the Health Department is going to discuss is how they can make

these doctors who work for these community hospitals more accountable to the Health Department, okay? And that's going to be part of this. That can't be worked out in the next two and a half weeks.

**D.P.O. CARACAPPA:**

For the final word, Legislator Guldi.

**LEG. GULDI:**

If I may, let's start with talking about the legislation. This legislation was not sprung on the Health Department or the Law Department in December. This thing was filed back in the early summer. They've already had this for six or eight months. The effective dates in the legislation, in fact, were vetted by both departments. Both departments had direct input in drafting the bill and putting its requirements in. Okay. So we've already had the best part of a year of additional liability incurred to the taxpayers of Suffolk County while the complex issue of, very simply, hospitals are operating with uninsured doctors on patients that we are liable for, period. It's not that complicated. It's as complicated as someone driving a car without insurance.

We cannot and -- and should not continue to bear that cost in indemnification. And, yeah, you're right, Counsel, it wasn't 20 million or 18 million, it was only about \$15 million for med mals this last year and next year and ongoing. And, yes, another eight months of delay probably will only cost us somewhere between 25 and \$30 million, because med malpractice has gone up not down. The awards in Suffolk County are going up, not down. This is imprudent. This is not proper. The dates were set by the departments that had plenty of time to implement it. Implement it tomorrow. Implement it tonight. Catch up with the documentation. That's the way business works, that the way we should work. I urge you not to approve the CN. Let the law on the books stand, it's a good law. We should bring the department and the community health centers into compliance with it. And we should do it now, not in four months or in six months or in eight months, but today. Because one thing is for sure, I won't be here to monitor this next year.

**LEG. CARACAPPA:**

There's a motion and a second to approve.

**LEG. CARACCILO:**

Roll call.

**D.P.O. CARACAPPA:**

Roll call.

**ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. FOLEY:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

(Not present).

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

No.

**LEG. CARACCILOLO:**

Ditto. No.

**LEG. CARACAPPA:**

No.

**LEG. TONNA:**

(Not present).

**LEG. CRECCA:**

(Not present).

**MR. BARTON:**

12.

**LEG. GULDI:**

I'll predict it won't be done in August.

**D.P.O. CARACAPPA:**

CN is approved.

**MR. BARTON:**

13 on the CN.

**D.P.O. CARACAPPA:**

Todd, 2095, please.

**MR. JOHNSON:**

**2095 is a resolution amending the 2003 operating Budget of Suffolk County's classification of salary plan, adding some new titles.**

**LEG. BINDER:**

Motion, Mr. Chairman.

**D.P.O. CARACAPPA:**

There's a motion by Legislator Binder.

**LEG. CARPENTER:**

Second.

**D.P.O. CARACAPPA:**

Seconded by Legislator Carpenter.

**LEG. BINDER:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Binder.

**LEG. BINDER:**

Just quickly on the motion. County Exec-elect Steve Levy had spoken to some of us, he spoke

to me about this, that he was going to ask Mr. Gaffney to put this forward to help him create the management team without it costing the people of Suffolk County any more money. So this is a movement of titles that would allow him to do that. This is how he wants to set up. I think it's laudable that he wants to set up his house that way, and I think we should wholeheartedly support him. And I think -- hopefully this is the start of us working together to realign and reform government. And so I strongly support this and hope my colleagues will also.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

Approved. Moving on to **2096**.

**MR. JOHNSON:**

This is a resolution **amending the 2003 Operating Budget to appropriate monies that were already authorized through a previous bond resolution 839-2003**. These monies are going to be used to cover the retirement incentive costs. No, it's appropriating the funds that were already authorized by a bond.

**D.P.O. CARACAPPA:**

Very good. Motion by Legislator Binder, seconded by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

It's approved. 2097.

**MR. JOHNSON:**

**2097 is a resolution renaming Wallen Street at Suffolk County Gabreski Airport in Westhampton as Collins Way.**

**D.P.O. CARACAPPA:**

After Drexel Dill Collins.

**LEG. GULDI:**

My motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Guldi, seconded by Legislator Caracciolo.

**LEG. GULDI:**

Briefly, Drex Collins has been the electrician out there for a number of years. Drex unfortunately got pancreatic cancer, and his prospects aren't good. He has been a wizard in terms of saving us a ton of money on maintenance costs and bringing the antediluvian wiring system there into the 21 Century.

**MR. BINDER:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

Question on the motion to the sponsor. I'm just curious, I don't know if there was a reason that it originally was called Wallen Street.

Is there someone named Wallen --

**LEG. GULDI:**

It was on the map when we got it from the Air Force in 1971, and we don't know.

**LEG. BINDER:**

So we don't know who Mister or Missus or --

**LEG. GULDI:**

For example, one of the streets up in the housing project is know as Ent Way. It was named

after the Ents that Kilgore Trout was familiar with in the Mr. Vonnegut's fantasy novels.

**LEG. BINDER:**

Okay. Well, if we don't know who this is -- I was just concerned that we would be replacing someone that might also have some history.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**MR. JOHNSON:**

Okay. And there is one other CN that the County Executive's Office is reviewing right now concerning a resolution that was passed earlier concerning the preservation of property at Yaphank Farm. I'm in the midst of reviewing it. I just received it at the request of Legislator Foley considering submitting an additional CN before the night is over.

**LEG. FOLEY:**

What we intend to do, very quickly, is to reconsider the Yaphank Farm bill from this morning. There's language in there that mentions that the farm will be managed via the resolution by Cornell Cooperative Extension. The County Exec's Office has some issue issues with that. So we just need to take that language out and then it will be supported by the County Executive. So, Legislator O'Leary, we will be considering the bill later with the new CN without that -- that particular line in there. We will reconsider later.

**MR. JOHNSON:**

That is all the reports I have directly. There are departments here that are available for you.

**D.P.O. CARACAPPA:**

Todd, before you step away, I'd like to add my comments to your working with us. It's been a pleasure. I'd also like to put on the record that we'd like to thank outgoing County Executive Robert Gaffney and his entire administration for 12 years of fantastic service to the people of Suffolk County. Not only do we have milestones in the departure of two of our colleagues today, I'd like the record to recognize the work of County Executive Gaffney and his years of dedication

to the people of this -- of Suffolk County. So thank you, the entire administration, and to the County Executive.

**APPLAUSE**

**MR. JOHNSON:**

I'll be sure to bring those kind words back. Thank you.

**LEG. CRECCA:**

Points of personal privilege, Legislator Caracappa.

**D.P.O. CARACAPPA:**

Legislator Crecca. I'm sorry, go right ahead.

**LEG. CRECCA:**

I'd just to make my colleagues aware and recognize some special guests we have in the audience with us today as part of their government project for Boy Scouts. We have with us from Troop 328 here in Hauppauge Cub Den Number 3 and their Den Leaders, Cecilia Schmidt and Maureen Kessler. I'm proud to say that my son is also in the same troop, so it's very nice to have you all here. I'd like to recognize -- and, boys, if you'd stand up as I -- well, you can just stand up now, but we have with us John Kessler, Kenny Schmidt, Steven Knispel. We have Ken Suhoobski, Alex Spinelli and Jonathan Marinozzi.

**APPLAUSE**

**LEG. CRECCA:**

They're here to -- let's all be on our best behavior, because they are here to observe government in action. So if you guys have a seat, you can observe for a minute, then we'll talk and I'll take you on a quick tour after a few minutes.

**D.P.O. CARACAPPA:**

We wouldn't want to be dishonest with the children, though. Okay. Moving on, I'd like to ask Christine Costigan to come to the podium. Those colleagues should recognize that we have a series of procedural motions as it relates to acquisitions. I'm going to let Christine discuss them as a whole and then individually. We do have appraisers here on the County taxpayers' dime,

so I'd like to move with these as quick as possible. So Christine.

**DIRECTOR COSTIGAN:**

Mr. Chairman, at Mr. Bishop's request we did a one page summary of the applications before you that I think will facilitate your -- your review of them. These are four farm acquisitions of development rights for farms. The reason that they are before you is Chapter 7-12

requires that in any instance where the payment -- the proposed acquisition payment exceeds the mean of two appraisals, that we must come back to you for approval. In this instance, the range of the -- one of them is 1% above, one is three and the other two are closer to 10% above. Again, these are all farmland.

The one page sheet gives you the location an acreage of each farm and the amount that we'll be paying, the range of the appraisals and the appraisers. Each of those appraisers are here, again, by requirement of the statute to answer your questions. One the things that we have to present to you is the reason that we propose to exceed the mean, and the reason is that that's what they will take. A very simple reason, they wouldn't take any less.

**LEG. GULDI:**

Motion to take out of order an approve.

**D.P.O. CARACAPPA:**

Well, there's a series of them. There's a series of them, we'll do them one at a time. Motion on **Procedural Motion Number 8** to approve by Legislator Guldi, seconded myself, **and this is authorizing acquisition of Young Farm in excess of approved County appraised value.** Legislator Caracciolo.

**LEG. CARACCIOLO:**

Counsel, does the presentation we just heard as well as this handout suffice for the retirements of 7-12?

**DIRECTOR COSTIGAN:**

If I may.

**LEG. CARACCIOLO:**

Counsel. I'd like to hear from Counsel

**MR. SABATINO:**

Not really. If you read the statute carefully, it says there's supposed to be a presentation by the Planning Commissioner, Director of Real Estate, the actual appraiser who did it and the review appraiser, plus you have to have an articulated rationale. To say that the other party does not agree to the price it not a rationale, it's a statement of conclusion, it's meaningless. So you haven't met the four criteria of the presentation, but more importantly, there is no articulated.

**LEG. CARACCILOLO:**

If the Legislature were to move forward with approving these resolutions, would they be acting in an opposite direction of what that legislation prescribes?

**MR. SABATINO:**

Not in opposite direction, but, I mean, you wouldn't be implementing the --

**LEG. CARACCILOLO:**

So we would be violating our own local law?

**MR. SABATINO:**

You wouldn't be violating your law, you would be ignoring the retirements or giving, you know, credence to an inadequate presentation. I mean, it's your call. You as a legislature wrote those criteria in. You called for four presentation on each one of these. And you called for an articulated rationale. I mean, it's not a rationale to say that, you know, the seller wants more money. That's not the rationale, that's the conclusion.

**D.P.O. CARACAPPA:**

Legislator Bishop is Chairman of ELAP, were there presentation done in your committee as it relates to this?

**LEG. BISHOP:**

Yes.

**LEG. CARACCILOLO:**

What presentation?

**LEG. BISHOP:**

You were there, Mike.

**LEG. CARACCILO:**

Not outside appraisals -- appraisers weren't present, we had in-house appraisers.

**LEG. BISHOP:**

We had appraisal review.

**LEG. CARACCILO:**

Appraisal review. We had Ms. Costigan, we had the in-house appraiser, we did not have Given Associates. But that's not the issue. I think the point that Counsel makes is that the presentation just simply outlines that the rationale is the seller wants more money. And that is not the criteria by which solely we should be making this judgement.

**D.P.O. CARACAPPA:**

Ms. Costigan, is it safe to say that if we delay in doing these procedural motions that you might come back to us in the near future with these percentages much higher?

**DIRECTOR COSTIGAN:**

I think that I would not be able to come back with these sales. I don't think that they would necessarily come back at all. And I'm not suggesting that we have in any way an inadequate presentation. We have everyone ready to go through a full presentation on this matter. I don't think the statute does layout exactly what the presentation has to be. In this way, the presentation is one page. The rationale, however, I respectfully disagree with Mr. Sabatino in that we are recommending this, because this is the only way the property can be purchased. And the rationale for our recommendation is this is the only acceptable basis for the price.

**D.P.O. CARACAPPA:**

The appraisers are on hand, though.

**DIRECTOR COSTIGAN:**

They are lining the back of the auditorium.

**D.P.O. CARACAPPA:**

You are present as well as members from the Planning Department, I assume.

**DIRECTOR COSTIGAN:**

Yes.

**D.P.O. CARACAPPA:**

And I see Tom Isles here, so all pertinent -- Tom is right back on the left here.

**LEG. BISHOP:**

May I ask Counsel a question.

**D.P.O. CARACAPPA:**

Go ahead, David.

**LEG. BISHOP:**

You know, the availability of appraisals and whether we accept appraisal reviews presence and recommendations, I mean, clearly we are in that circumstance where we're just looking for a short -- to expedite as opposed to, you know, rewrite the rules. But when you say that it's conclusory to simply say that that's what they'll accept and that's the rationale, what in your opinion -- can you give us an example of an acceptable rationale; the hills are lovely, it's unique?

**MR. SABATINO:**

An acceptable rationale would be this is the most important historic building, two thousand years ago, George Washington and his army marched through it, this is the most environmentally sensitive land, there's ground -- recharge protection --

**LEG. BISHOP:**

Okay. That's what I thought.

**MR. SABATINO:**

Wetlands. Something of substance.

**LEG. BISHOP:**

So something that suggests why --

**MR. SABATINO:**

Something positive with regard to why the County wishes to acquire the property.

**LEG. BISHOP:**

Understood. Okay. In the circumstance, it's straight forward. It's farmland and we're trying to aggressively preserve farmland. But I think that with the availability of Planning Department here, we can probably clear that hurdle this afternoon.

**DIRECTOR COSTIGAN:**

I would point out that each of these applications has already been approved by the Farmland Review Committee, by the Planning Department. It has been valued in front of the committee. So there has been a great deal of groundwork done here. It is the committee and the Legislature which directed us to go and buy this. I am now coming back to you and saying this is what it costs if you want to buy it.

**LEG. CARACCIOLO:**

I'd like to hear the presentation. Are these contiguous to other farmlands? Are they -- are they by themselves? I mean, why are we buying each and every one of these particular properties?

**D.P.O. CARACAPPA:**

Well, we --

**LEG. CARACCIOLO:**

We're talking about millions of dollars here.

**D.P.O. CARACAPPA:**

I know, Mike. It is the process. I will respect the process. I'd ask that we go through this as fast as possible. Why don't we bring up all the people that have to be brought up and get this done immediately.

**DIRECTOR COSTIGAN:**

Then the first IR is 2040.

**D.P.O. CARACAPPA:**

Before we do that, Legislator Alden.

**LEG. ALDEN:**

Christine, these were never in the program where we were just going to buy the rights to them, these are actual purchases, out right purchases?

**DIRECTOR COSTIGAN:**

These are all farm development rights purchases. I think one of them does actually date back to the original farm list.

**LEG. ALDEN:**

Okay. Are there other things in the pipe that are, like, secondary targets? These are -- I'm just assuming these are primary targets, that's why we went after these first. Are there secondary targets that we have?

**DIRECTOR COSTIGAN:**

There will be additional targets. These are the ones that have been able to be brought to fruition. I would say that most of the farms that are approved by the Farm Committee then arrive at an equality in terms of their value for acquisition purposes.

**LEG. ALDEN:**

But we're still actively seeking to purchase --

**DIRECTOR COSTIGAN:**

Many. Many. Yes.

**LEG. ALDEN:**

Many. Okay. Thanks.

**D.P.O. CARACAPPA:**

Christine, so why don't we start.

**DIRECTOR COSTIGAN:**

Okay, then we'll open up with IR 2040, the Young Farm. The two appraisers are Carol Sweeney and Pat Given, and I ask them to come forward. The Young Farm is a 53 acre farm in Riverhead.

**D.P.O. CARACAPPA:**

All appraisers that are here just come up and take seats at the podium so we can get this done.

**DIRECTOR COSTIGAN:**

The Young Farm is 53 acres in Riverhead. This is a 50/50 purchase with the County and Riverhead splitting it equally. The Young Farm is adjacent to another farm that is already -- the development rights have already been reserved to the County of Suffolk. The price that is proposed 3% above the mean. The mean is one million six, as you can see on your sheet, and the proposed price is one million seven. This is a continuation of the Farmland Development Rights Program as it is adjacent. The appraisers were just \$2000 an acre apart on their appraisals in this matter, and that's why we're just slightly above the mean. And the mean itself was \$32,000 an acre, we're paying 33,000 an acre because the farmer has said that is the minimum that he will take. Do you want to take --

**D.P.O. CARACAPPA:**

Legislator Alden, you have a question?

**LEG. ALDEN:**

The representative from Carol Sweeney, why are you \$2000 less than Given Associates?

**MS. SWEENEY:**

I just felt like I was in a good mood that day. I was at about 43,000 an acre. I guess the other appraiser was at 45,000 an are. Looking at my appraisal report, I had sales that ranged anywhere from -- after adjustment from 43,000 to 45,000 an acre. So it could have fallen anywhere between 43,000 and 45,000 an acre in the before situation. Anything between \$31,000 to 33,000 per acre for development rights would be very reasonable for this property.

**LEG. ALDEN:**

Do you stick by your \$1,643,000 figure?

**MS. SWEENEY:**

Yes, I do. At that point in time, yes, I do.

**LEG. ALDEN:**

Okay. Thank you.

**D.P.O. CARACAPPA:**

Mike.

**LEG. CARACCIOLO:**

Question for Mr. Isles or Christine. The Young Farm, is it located to and contiguous to other farmland in the PDR Program?

**DIRECTOR COSTIGAN:**

It is, yes. It's just to the south. The entire strip is adjacent to a PDR that we've already purchased.

**LEG. CARACCIOLO:**

Prior to this resolution for consideration for under PDRs for County acquisition, what would have been the most recent County farmland acquisition in the Town of Riverhead?

**DIRECTOR COSTIGAN:**

By the town itself?

**LEG. CARACCIOLO:**

By the County. I know what the town is doing.

**DIRECTOR COSTIGAN:**

Well, we just closed the Gatts Farm about a few months ago. That's one of them, but there are other.

**LEG. CARACCIOLO:**

What was the per acreage?

**DIRECTOR COSTIGAN:**

Well, the Gatts contract was two and a half years old, so I don't think that it's comparable.

**LEG. CARACCIOLO:**

That's the one where there was an attempt to come back to the Legislature to increase the purchase price, and I fought specifically to stop that. And we didn't pay the higher price, nor should we have. So prior to Gatts -- are there any other -- what was the most recent County acquisition for farmland in Riverhead?

**DIRECTOR COSTIGAN:**

In Riverhead.

**LEG. CARACCILO:**

And what was the per acre price?

**DIRECTOR COSTIGAN:**

I'm sorry, I don't have that figure.

**LEG. CARACCILO:**

Okay. That's very relevant information, because I want to make sure that we're not going off in a direction that's going to just continue to escalate these prices. We had a hot real estate market, it has leveled off. This assertion that it continues to be red hot may be true with real estate and improved property, but I don't believe that's the case with every piece of farmland. They are other characteristics in the farm -- the farm itself that make it more or less valuable; the agricultural characteristics, the soil quality and so forth. I don't see any summary of that on any one of these presentations. I don't have a copy of the appraisals. There is a difference of \$2000. My recollection, and maybe Tom Isles can assist, is that the last time we brought farmland in Riverhead it was in the mid 20s. Tom.

**DIRECTOR ISLES:**

As was said, the most recent transaction was the Gatts one, which is a contract going back about two and a half years. We do have a number that are in the process of going to contract. We are trying to buy farmland. In terms of the prices, the prices have definitely edged upwards over the past couple of years certainly. And, you know, we're seeing numbers just -- and this is unofficial, I can certainly provide you with scientific numbers -- certainly mid 20s to mid 30s. And in some towns -- you know, some towns were pushing on the South Fork six figures. Here again, the process is that we're bound by Chapter 7-12, which is we're not supposed to be doing guesswork, we're not supposed to be making our own judgements on this, we're required to

hirer outside independent appraisers as authorized by you and have them reviewed by our certified staff we have in the County. So the numbers do vary. We have a \$2000 spread on this one. That's not uncommon to see a spread. I think if we had ten appraisals, we'd have ten numbers.

**LEG. CARACCIOLO:**

Thank you, Tom.

**DIRECTOR COSTIGAN:**

There is another Riverhead farm on the agenda today, not a 10% one, it's just over 31,000 an acre.

**LEG. CARACCIOLO:**

And that would be, I think, in line with where the market actually is. So when I see numbers of 33, you know, that's -- that's a substantial difference when you're talking about numbers in that range. Okay.

**DIRECTOR COSTIGAN:**

That's a much smaller farm.

**D.P.O. CARACAPPA:**

There's a motion and a second on Procedural Motion Number 8. I'm going to call a vote on it. All Legislators report to the horseshoe. It's a two-thirds vote.

**LEG. VILORIA-FISHER:**

Mr. Chair, while they're coming in, I'm going to be asking Mr. Given questions about two of the other ones.

**D.P.O. CARACAPPA:**

I'd rather get this vote out of the way or else we're never get back to it. We're going to go through each one, Legislator Viloria-Fisher. There's a motion and a second, all in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstention.

**D.P.O. CARACAPPA:**

One abstention. Promotion Number Eight.

**MR. BARTON:**

15.

**D.P.O. CARACAPPA:**

Approved. Okay. There's two parts --

**MR. BARTON:**

16.

**D.P.O. CARACAPPA:**

-- to each one of these procedural motions. Now we are going to approve **2040, (authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County New Drinking Water Protection Program, Young Farm)**. If you flip open two pages, that is the bill itself. This actual does the acquisition. So there's a motion -- motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstain.

**D.P.O. CARACAPPA:**

One abstention. Approved.

**MR. BARTON:**

16.

**D.P.O. CARACAPPA:**

**Procedural Motion Number Nine, (authorizing acquisition of Ljungqvist Farm in excess of approved County appraised value).**

**DIRECTOR COSTIGAN:**

This would be related to IR 2048. This is the Ljungqvist Farm, which has taken some time to learn how to say, actually. This particular farm is in Brookhaven. It's an 11 acre farm, nine

acres of which will be subject of development rights. The Ljungqvist Farm is immediately north and adjacent to existing County of Suffolk development rights property some 22 -- 22 acres. The price of this farm is \$78,000 an acre, 78.833 an acre, which is 10% greater than the mean of the two appraisals. In this instance the farmer has been very definite about the amount for which he would sell the farm, and it's this number. This is a County only acquisition. There's a variation between the two appraisals. The mean is \$645,000, and the acquisition price would be \$709,000.

**D.P.O. CARACAPPA:**

On the motion, Legislator Viloria-Fisher.

**LEG. VILORIA-FISHER:**

I just wanted to ask Mr. Given a question about the appraisal.

**MR. GIVEN:**

Yes, ma'am.

**LEG. VILORIA-FISHER:**

High. When we see such a large per acre difference, \$58,000 an acre as opposed to 84,000 and change an acre, can you tell us to what you would attribute that kind of variation? Because that is a great deal of variation.

**MR. GIVEN:**

Certainly. I have not seen the other appraisal, but I can tell you that this is in an area where there is a water influence. Beaver Dam Creek is an -- is the south east -- the easterly border of this property. And the appraisal problem was to appraise the farmland, which is the area that is some distance set back from the creek. So I would imagine that if there's a significant difference between myself and the other appraiser, it would probable be to the determination as to what that influence would be. When we did our appraisal, we felt there would be a waterview amenity, a partial waterview amenity, because we're going to be a couple of hundred feet set back from the creek and the wetlands. But at the same time, they're also attractive, and it's something that you know, living here on Long Island, water influence has a great effect on value. So my guess is that the other appraiser who appraised at a higher value probably felt that impact was greater than I did.

**LEG. VILORIA-FISHER:**

And you saw that as a negative impact in terms of the yield of the farmland?

**MR. GIVEN:**

No, because I was only appraising the farmland, so the yield would be pretty good. There would be no set-asides for wetlands. The County wouldn't be interested in buying the development rights on wetlands, they have none. And so they set back from that, and then there was a building envelope --

**LEG. VILORIA-FISHER:**

And what was the acreage of the actual farmland not including the wetlands?

**MR. GIVEN:**

Nine. Nine acres.

**LEG. VILORIA-FISHER:**

Nine.

**MR. GIVEN:**

And the land immediately, I guess it's to the south, is land that's also -- already the development rights have been purchased by the County. So this piece was -- it's just nine acres. It would have a reasonable yield. It wouldn't have any set-asides for environmental consequences, but I think the lots that would ultimately come from those nine acres would be impacted positively to -- because of their water influence.

**LEG. VILORIA-FISHER:**

I understand. Thank you. And the -- can I ask him while he's up there about the Damiecki Farm, which is two later, or do you want me to wait?

**D.P.O. CARACAPPA:**

Wait.

**D.P.O. CARACAPPA:**

Legislator Alden, Legislator o'Leary and Legislator Caracciolo.

**LEG. ALDEN:**

Hi. Thanks for coming down. When you value a piece of property, it's by the highest and best use, even when we're just buying the developmental rights?

**MR. GIVEN:**

What we do is we do a before and after situation. So you appraise the property with the development rights in tact, and then you do another appraisal as if the development rights are gone. And you do that by using sales of property without development rights, in this case, farmland, which we've already purchased and had been resold. So then you would have two values, one would be the before value with development rights, the after value without development rights. And the difference between those two values would be the value of the development rights.

**LEG. ALDEN:**

Okay. So what you are saying is you subtract out then the residual value of a farm.

**MR. GIVEN:**

Yes, sir. Let's say that the value before with all the development rights in tact is \$60,000 an acre. That's what, you know, anybody would pay for it in the market, we'll say. And then after you take the development rights and there's been, you know, a permanent removal of those development rights, the value would then be, let's say, \$10,000 an acre. So the value of the development rights would be \$50,000 an acre.

**LEG. ALDEN:**

So if we see 31,000 an acre or fifty eight-eight an acre or 63 or 114, those are more affluent areas, that would reflect the underlying value of if you built a house on that.

**MR. GIVEN:**

Yes. There is an increase in the value in East Hampton and Southampton in the farmland. Even though, you know, it's land that can't be developed, I think the surrounding property values being so much higher do have an impact on the value. You find people will buy these farmland parcels not necessarily for a farming. Sometimes they put horses on them if it's allowed, or sometimes they just want to control it. You know, they'll rent to the farmer of their choice, etcetera. And they tend to pay more money, because their surrounding land is worth so much more. In this particular case, if you are in Riverhead, the surrounding land values are a little bit lower. So in keeping with that, the land without development rights tends to be a little lower

too.

**LEG. ALDEN:**

Okay. So the fact that there is farms is going to increase the rest of the value of the surrounding area.

**MR. GIVEN:**

I think that two things happen. When you're next to a farm where there's no development right, you know they'll never be developed, which is a positive. There's also some negatives involved. There's some insecticide or pesticide spraying, there's some dust in the spring when they're plowing, but generally speaking, I think it's an enhancement and that the market for the most part does feel it's better to be next to a piece of land that has no development rights.

**LEG. ALDEN:**

Did this person keep any property that surrounds this farm that we're buying?

**MR. GIVEN:**

They did. They kept all the wetlands, the water frontage and two house lots[.|.|.] The two house lots already have houses on them.

**LEG. ALDEN:**

Okay. But no raw land.

**MR. GIVEN:**

No raw land, per say. No, sir.

**D.P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes, sir. Most of the questions I was going to ask have been asked and answered, but I do have just one question and that's regarding your accessed value. Did you take into account the surrounding properties or you did not in determining this figure?

**MR. GIVEN:**

I did.

**LEG. O'LEARY:**

You did.

**MR. GIVEN:**

I did. To the best of my ability, yes. To the best of my knowledge.

**LEG. O'LEARY:**

That then begs the next question I have. Why -- maybe you have already answered this, but why is there such a disparity between yourself and the other -- if both of you take into account the surrounding properties, why is there such a disparity?

**MR. GIVEN:**

Well, unfortunately, real estate appraisal is not a science. We like to think it is, but it really isn't. It's an opinion. I go out and I sample the market and I decide what I think it's worth based upon, you know, the sales that I see. And I haven't seen the other appraisal, but I believe that because of that water influence, that would be the only thing to my mind that would account for the difference. Probably the other appraiser felt it had a bigger role in the value of the property.

**LEG. O'LEARY:**

And you did not take into account the water influence or you did?

**MR. GIVEN:**

I did, but maybe not to the extend he did.

**LEG. CARACCILO:**

Yes. I'd like to have Mr. Wood come up or the appraiser from Frederick Wood to answer that very question. The question as stated by Mr. O'Leary a moment ago is why the differential, a substantial differential, of more than \$26,000 an acre.

**MR. { VEITZ } :**

All right. When I went to view the property, the property owner said to me this was the land he was going to sell the development rights on. But for subdivision purposes, he was -- he is

considering and has considered subdividing the property, filing a subdivision map. And he does have frontage on Beaver Dam Creek. And he told me that when he subdivided the property, he would grant to each of the lot owners, and there would probably be four lot owners, because it's a two acre zoning, he would grant to each of the lot owners a right of way or strip of land that they would own in common for access to the creek where they could -- and he has a bulk-headed creek property, and he would offer them bulk-headed creek property along Beaver Dam Creek so they get access to the Great South Bay. And I think that's where the big difference in, you know, value came from between myself and Pat Given. I had looked at the property for his request in terms of this is what I'm going to do on my land on a highest and best use analysis, which would indicate that they were waterfront, you know, properties. So the value then would be quite a bit higher, and that's the difference.

**LEG. CARACCILO:**

As a matter of practice, do you confirm with the town government that would be the zoning agent whether or not the representations made by the seller of four building lots with creek rights, etcetera, are valid?

**MR. { VEITZ } :**

In this particular case, the subdivision of the lots would not require any variances from the current zoning. As 80,000 square foot lots, they would meet lot area, lot frontage, lot width and so forth. So they are lots that would -- would not require special consideration.

**LEG. CARACCILO:**

What about the access to the bay through the creek and the bulkheading and all of those other representations?

**MR. { VEITZ } :**

That would be an adjunct to the property. If the building lot meets the zoning requirements and you have an additional piece of land that you can walk to the creek and put your boat on a, you know, bulk-headed creek, I don't see how that can require any special consideration. It's the building envelope and the size of the lot that is a consideration.

**LEG. CARACCILO:**

Where within your appraisal -- I don't know if I have a summary here, it doesn't look like I have the whole thing -- but where in the backup that's been provided to us would I find the particular

reference to the conclusion you have stated on the record now, you believe the difference the between your appraisal and Mr. Given's appraisal is the amount of value you assign to the lot price?

**MR. { VEITZ } :**

I'll find that right here.

**LEG. VILORIA-FISHER:**

It refers to the highest and best use being the subdivision.

**MR. { VEITZ } :**

Yes.

**LEG. CARACCILO:**

Is there a difference in your subdivision analysis an Mr. Given's market analysis approach, would that -- would that account for this huge spread?

**MR. { VEITZ } :**

If all things are done correctly, that should not make a difference. A subdivision analysis should give you very close the same analysis if you did budget issues and acreage sales.

**LEG. CARACCILO:**

Okay. So then specifically where would I find, you know, your justification for this \$26,000 difference, higher appraised value per lot?

**MR. { VEITZ } :**

I have a comment in the report that -- I have to find it, what page it's on, where I stated that the owner --

**LEG. CARACCILO:**

Yes. That's in the bottom paragraph on the cover letter.

**MR. { VEITZ } :**

It's also within the report.

**LEG. CARACCILO:**

Oh, okay.

**MR. { VEITZ } :**

I just cannot find the page it's on now.

**LEG. CARACCILO:**

Does this property adjoin or abut any other farmland?

**MR. { VEITZ } :**

Yes, it does.

**LEG. CARACCILO:**

And what is the size of that acreage.

**MR. { VEITZ } :**

The other farmland, I believe, is 30 acres or 25 acres, something of that sort.

**LEG. CARACCILO:**

And is that owned by the same owner?

**MR. { VEITZ } :**

No. No. It's owned by some -- part of it might be.

**LEG. CARACCILO:**

Is it County owned?

**MR. { VEITZ } :**

No. The County already has the development rights. It was a -- part of a filed map that was filed a number of years ago, and the owner was -- I forget the name.

**LEG. FOLEY:**

Lohmanns Farm.

**MR. { VEITZ } :**

Lohmanns Farm. And the County bought the development rights for Lohmanns Farms.

**LEG. CARACCIOLO:**

Okay. So if you could just help me with that reference in your report, I'd appreciate it.

**MR. { VEITZ } :**

Okay.

**LEG. CARACCIOLO:**

Mr. Chairman, I would suggest in the future that the Legislature be provided with the backup materials long before the resolutions are before us, so we have an opportunity to prepare questions properly and not take all this time.

**D.P.O. CARACAPPA:**

Okay. Duly noted.

**LEG. CARACCIOLO:**

If I could just get that one questioned answered I'd be happy.

**D.P.O. CARACAPPA:**

Okay. I just want to remind my colleagues while the gentleman is looking up the answer that we still have lengthy discussion with public officials prior to going to the agenda, which is still a full agenda with lengthy debate involved in many resolutions. So just a reminder.

**MR. { VEITZ } :**

Rather than hold up the Legislature, let me sit down and go through the full report, and I'll come back up and give you what page that comment is on, okay?

**LEG. CARACCIOLO:**

Thank you very much.

**D.P.O. CARACAPPA:**

There's a motion to approve and a second.

**LEG. O'LEARY:**

Henry, cosponsor, please.

**D.P.O. CARACAPPA:**

There's a motion by Legislator O'Leary, seconded by myself. Mike, did you want an answer to this question before?

**LEG. CARACCILO:**

Yeah. I mean, if there's an attempt to move the resolution without a sufficient answer, I can't support it.

**MR. BARTON:**

Mr. Chairman, are we addressing the Procedural Motion first?

**D.P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

Okay. Thank you.

**D.P.O. CARACAPPA:**

Procedural Motion Number 9.

**LEG. FOLEY:**

Do we need just a majority for the procedural or do we need --

**D.P.O. CARACAPPA:**

No. We need two-thirds. Roll call.

**LEG. FOLEY:**

We need how many -- just before the roll call, Mr. Chairman, we need 12 votes, Counsel?

**MR. SABATINO:**

Twelve to go up to 10%, it's 14 if you go beyond 10%.

**LEG. FOLEY:**

Are there any Legislators missing from this vote? Is Legislator Bishop here? Where's Legislator Bishop?

**D.P.O. CARACAPPA:**

Right behind you. Roll call.

**ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**MR. BARTON:**

On the Procedural Motion.

**LEG. O'LEARY:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes, cosponsor.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Abstain.

**LEG. TONNA:**

Abstain.

**LEG. BISHOP:**

Abstain.

**MR. BARTON:**

13.

**D.P.O. CARACAPPA:**

Procedural Motion Number 9 is approved. Now flip over two pages to the Resolution **2048, (authorizing the acquisition of development rights to farmlands by the County of Suffolk, Phase V)**. Same motion, same second, same vote. Approved. I'd like to move on to **Procedural Motion Number 10, (authorizing acquisition of Strobel Farm in excess of approved County appraised value)**.

**DIRECTOR COSTIGAN:**

This relates to IR 2050, which is the Strobel Farm.

**D.P.O. CARACAPPA:**

Motion by Legislator O'Leary, seconded by Legislator Foley. On the motion, go ahead.

**DIRECTOR COSTIGAN:**

The Strobel Farm is an historic dairy farm. It has one of the oldest barns in Center Moriches on it. It's next to the Everheart Farm, which you may recall is a farm that you bought the development rights on a short time ago. This is a 70/30 purchase with the County of Brookhaven -- Town of Brookhaven. As I said, it's been a dairy farm for over 75 years. The price is 9.2% above the mean. The mean was 1,298,000 or 56,000 an acre, and we will paying 61,600 an acre if the purchase is approved.

**LEG. ALDEN:**

I noticed that this says 10% above the original offer.

**DIRECTOR COSTIGAN:**

That's right. We made an offer somewhat under the mean, and they said they would take 10% more, which happens to be 9.2% above the mean.

**LEG. ALDEN:**

Did they have any idea or knowledge of the fact that you had the ability to come back to us?

**DIRECTOR COSTIGAN:**

They did, yes.

**LEG. ALDEN:**

Oh, so they knew that. Okay.

**DIRECTOR COSTIGAN:**

This has been the subject of some -- the owner -- there's been some letters to the newspaper. He has appeared, I believe, here before the Legislature or -- he's written I know to all of you to recommend this -- expressing his knowledge of the rule.

**LEG. ALDEN:**

Are prices leveling or are they increasing?

**DIRECTOR COSTIGAN:**

I think you should address that to appraisers. I see them increasing.

**LEG. ALDEN:**

All right. Thanks.

**LEG. CARACCILO:**

Again, we see a differential of some \$14,000 between the appraisals, which may be attributed simply to when each of those appraisers conducted their appraisal analysis. So it a question of date that Frederick Wood's appraisal of 49,000 is less than the 63,000 by Rogers and Taylor?

**DIRECTOR COSTIGAN:**

I don't think that the dates were that different on these two appraisers -- on these two appraisals.

**LEG. CARACCILO:**

Then perhaps we can have Mr. Taylor or a representative from Rogers and Taylor explain to us their methodology and how it might have differed nad been valued at a \$14,000 an acre price.

**MR. {MOGILALLI}:**

Good afternoon. My name is Ben {Mogilalli}, Rogers and Taylor Appraisers. It's very difficult to ascertain why a difference occurs without seeing the other appraisal. All we can do is our appraisal and look at our appraisal as an independent body of work, base our analyses on --

**LEG. CARACCILOLO:**

If I could just interrupt you. I think that's an excellent answer, and probably one better -- my question better suited to the County's review appraiser, who should have looked at both of these and been able to answer that question easily. So if he would come up.

**MR. MOORE:**

Good afternoon. My name is William Moore. Could you repeat the question, please.

**LEG. CARACCILOLO:**

Sure. Have you had an opportunity to look at both of the these appraisals?

**MR. MOORE:**

Yes.

**LEG. CARACCILOLO:**

Okay. And in the course of your review appraisal, you noted as we do that there's a \$14,000 per acre differential between Mr. Wood at 49,000 and the Rogers and Taylor appraisal at 63. What is your opinion as to how they arrived at such substantially different numbers?

**MR. MOORE:**

In this case, as is the case in many, many other occasions, it comes down to their choice of comparable sales. Sometimes we have occasions where they choose no common sales. That's actually quite common an event. In addition, we have all of various adjustments that they will apply to each of their comparable sales. So one factor will compound the other. And although many times we get differences in the several thousand dollars range, we may occasionally get differences of a slightly larger order such this. It is almost always because of their objective or subjective opinions about how to make certain adjustments.

**LEG. CARACCILOLO:**

In this case, though, you have reviewed both appraisals, and could you cite for the record how Mister -- Rogers and Taylor rather came up with a value of \$14,000 an acre more? Specifically how did they arrive at that number?

**MR. MOORE:**

I don't have the specifics.

**LEG. CARACCILO:**

You looked at that, though.

**MR. MOORE:**

Oh, yes.

**LEG. CARACCILO:**

The discomfort I have if is that if I can't rely on County staff whose job it is to look at these appraisals as experts to education lay people here and to make informed decisions, I can't make an informed decision. I don't have a level of comfort in doing that. I would not as a property owner buy or sell or be comfortable if somebody just through some numbers around and didn't have some real rationale to back them up. I know as the buyer I wouldn't pay more than the Wood appraisal for this property. Certainly as the seller, I like Mr. Taylor's appraisal. But we are the buyers, and before I can have a comfort level with saying yea, let's pay \$14,000 more, I have to be assured that that's a fair market value and not something that's inflated simply because the seller wants a sale only at a predetermined price that's good for them. And that's where I'm coming from.

**MR. MOORE:**

I find there's a great deal of wisdom in the present situation where we have two highly qualified appraisers providing their own opinions and value and taking the mean of those values. I personally as a certified appraiser find a great deal of comfort in that. That's not to say that we can't, you know, prepare a grid that would analyze every adjustment they have made to every sale for every characteristic and some how make a presentation of that. That is something we're not prepared to do today, however, I feel that in the initial review that I do and others and in our office do, we do take into account the seriousness of their application of adjustments and their choice of sales, and we are satisfied with each of the opinions in each of the reports.

**LEG. CARACCILO:**

What are the dates on these two appraisals, because the handout did not include that?

**MR. MOORE:**

For the Rogers and Taylor report, the date of value was April 23rd of '03. And for the Frederick

Wood report, the date of value was August 19th of '03.

**LEG. CARACCILO:**

Again, that leaves me in an even more uncomfortable position when I have an appraiser that the County does a lot of business with, Frederick Wood, I've many of their appraisal reports on other properties, some of which I've been very critical of, but that's most recent of these appraisals and yet they come with a value that's \$14,000 less. I have a problem with that. Okay.

**D.P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Earlier, Mr. Wood -- oh, I'm sorry. Can you come back, Mr. Moore?

**MR. { VEITZ } :**

My name is Gerard { Veitz } from Frederick Wood Associates.

**LEG. VILORIA-FISHER:**

I'm sorry. I was referring to what you had said earlier. When we look at the highest and best use of this piece of property, what would you -- what would it be here, would it -- how many homes could be little built if it were sold? Did these appraisers look at that in this case.

**MR. MOORE:**

Yes, they do. They bear that in mind. No matter what approach they use, they will always think forward to its ultimate potential.

**LEG. VILORIA-FISHER:**

Okay. What was the potential on this piece of property? How many homes could have been built here?

**MR. MOORE:**

We would have to ask that of each appraiser.

**LEG. VILORIA-FISHER:**

You didn't see that in your review.

**MR. MOORE:**

Well, I did, but I haven't charted out every --

**LEG. VILORIA-FISHER:**

Okay. I'll look at it.

**MR. MOORE:**

Sixteen homes.

**LEG. VILORIA-FISHER:**

Sixteen homes. Okay. And earlier the representative from Frederick Wood had indicated that in his discussions with the seller, the seller had indicated -- I'm referring to another parcel -- had indicated that he had looked at subdivision, and there was two acre zoning, and how many homes -- do you know if the seller had looked at subdivision with regard to this property, the Strobel property?

**MR. MOORE:**

On this particular property, I'm not sure. I think unofficially he may have with the town on an unofficial basis.

**LEG. VILORIA-FISHER:**

Mr. Burke, do you have information about that?

**MR. BURKE:**

The town did their own analysis on this, Legislator, and they came up with a minimum of 16 lots. The Town of Brookhaven Planning Department did their own analysis on this and did a yield analysis, and they said at least a minimum of 16 lots could be built on this property.

**LEG. VILORIA-FISHER:**

Okay. So in the town's analysis, would you say that they were closer to the Taylor number or the Wood number?

**MR. BURKE:**

They didn't put a dollar value on it. The town doesn't put a dollar value, they just do a yield analysis.

**LEG. VILORIA-FISHER:**

Okay. They just did yield analysis. Okay. Thank you.

**MR. BURKE:**

You are welcome.

**D.P.O. CARACAPPA:**

Any other questions as it relates to Procedural Motion Number 10? There's a motion and a second. Roll call.

**ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. O'LEARY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

No.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Pass.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Pass.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

No.

**D.P.O. CARACAPPA:**

Yes.

**LEG. BISHOP:**

No.

**LEG. CARPENTER:**

Abstain.

**LEG. FIELDS:**

Abstain.

**LEG. BISHOP:**

Motion to resubmit.

**D.P.O. CARACAPPA:**

The motion has to be to a date certain.

**LEG. CRECCA:**

Motion to table to the first meeting in January.

**D.P.O. CARACAPPA:**

First General Meeting in January. Procedural Motion Number 10 and companion resolution, which is Resolution **2050, (Authorizing acquisition under the Greenways Program in connection with acquisition of Farmland Development Rights at Center Moriches).**

**MR. SABATINO:**

2050 should just have a correction in the title. It's not a planning steps, it's actually an acquisition. So with that adjustment you can table it.

**D.P.O. CARACAPPA:**

To the first General Meeting in January. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

Moving on to **Procedural Motion Number 11, (authorizing acquisition of Damiecki Farm in excess of approved County appraised value).**

**DIRECTOR COSTIGAN:**

This relates to IR 2051, the Damiecki Farm. This is 29 acre farm in East Hampton that we would be buying the development rights. This is a 60-40 purchase with East Hampton. That's with

East Hampton taking the excess over the mean. This is just 1% over the mean.

**LEG. GULDI:**

Motion.

**LEG. CRECCA:**

Second.

**D.P.O. CARACAPPA:**

Who said motion? Motion by Legislator Guldi, seconded by Legislator Crecca.

**LEG. ALDEN:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Alden,

**LEG. ALDEN:**

Were they aware that the County could exceed the value?

**DIRECTOR COSTIGAN:**

I believe they were. I believe they were.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstain.

**D.P.O. CARACAPPA:**

Abstention, Legislator Alden.

**MR. BARTON:**

16.

**D.P.O. CARACAPPA:**

Procedural Motion Number 11 is approved. **Resolution 2051, (authorizing acquisition under the Greenways Program in connection with acquisition of Farmland Development Rights).** Flipping two pages in, Resolution Number 2051. I'd like to correct the copy -- correct the legislation so that the title reads authorizing acquisition, correct, Counsel?

**MR. SABATINO:**

Correct, Mr. Chairman. It's not planning steps, it should be actual acquisition.

**D.P.O. CARACAPPA:**

Actually we should strike authorizing planning steps for Greenways Program all together.

**MR. SABATINO:**

It should just read authorizing acquisition, so the phrase in between should be deleted.

**D.P.O. CARACAPPA:**

Let the record reflect that. There's a motion and a second. Same motion, same second, same vote.

**MR. BARTON:**

16, one abstention.

**D.P.O. CARACAPPA:**

Point of personal privilege, Legislator Fields.

**LEG. FIELDS:**

I just want to thank Christine for the work that you have been doing. And you stepped into a position not having had the experience in the County with County business and the Legislature, and I think you have done a wonderful job. And I would like to thank you especially for today's negotiations or the negotiations that resulted today in the acquisition of the Scully property. Thank you for all your fine work. Thank you.

**DIRECTOR COSTIGAN:**

Thank you, Ms. Fields. I would like to inform the Legislature, I rejoice in the fact that today you will have approved 300 acres of preservation, just this very day and almost \$15 million. So let

us hope that the predictions of certain persons are like the obituary of Mark Twain, somewhat premature. Thank you.

**D.P.O. CARACAPPA:**

Thank you very much. Before we move on to the next public official, I'd like to make a motion to reconsider Resolution 1658, which was approved earlier, seconded by Foley. All in favor? Opposed? Abstention? 1658 is now before us again. I'd like you to turn to the CN that was just distributed. There's been corrected language, so we

will be voting on this CN which is **1658, (dedicating the Suffolk County Farm in Yaphank to the conservation of agricultural lands)** in it's corrected form. Motion by Legislator Foley second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**LEG. FOLEY:**

Thank you, Mr. Chairman.

**D.P.O. CARACAPPA:**

You are welcome.

**LEG. FOLEY:**

I'd like to thank the County Executive's Office for their cooperation.

**D.P.O. CARACAPPA:**

I'd like to welcome and ask to the podium Dr. Mermelstein. I'd like to say thank you for being so patient. She's going to speak on Resolution 1919, which is authorizing the continuation of 2002 Vector Control Plan.

**ACTING COMMISSIONER MERMELSTEIN:**

Thank you.

**D.P.O. CARACAPPA:**

Thank you.

**ACTING COMMISSIONER MERMELSTEIN:**

The Health Department supports Resolution 1919 that extends the 2002 Vector Control Annual Plan of Work through 2004. World wide, mosquitos transmit various diseases to humans resulting in deaths of over a million people each year. And most of the victims are children. And new mosquito borne diseases may become evidence in the future. In the United States in 2003, we had 8470 human cases of West Nile Virus infection that were reported, and there were 189 fatal cases. These numbers are just the tip of the iceberg, because for every infection that's reported because of neurologic finding, there are other people that have been -- many cases of other people who have been infected who don't even know they are infected.

For example, there were a total of 724 blood donors who have the virus in their blood that have been -- that have been identified. In addition to the human toll in the United States, we also have had 11,213 dead birds with West Nile Virus infection that have been reported from 42 states. Again, this is the tip of iceberg, because only a small proportion of the birds that die actually get tested and are reflected in these numbers. Other species are infected as well including, horses, dogs, squirrels, cats other species. A total of 7702 West Nile Virus positive mosquito pools have been reported from 38 states, District of Columbia and New York City. In Suffolk, over the last ten years, we've had seven public health threats declared; in 1994, '96, '99, 2000, 2001, two and three. Among residents of Suffolk, we've had two children with malaria in 1999. A serosurvey in 2000 that showed people infected with West Nile Virus. We had one West Nile Virus meningitis case in 2001, eight West Nile Virus meningitis/encephalitis cases 2002 including two deaths and eight West Nile Virus meningitis/encephalitis cases in 2003, including one death. Fourteen out of the 17 West Mile meningitis/encephalitis cases in humans in Suffolk, over the past three years have resulted in neurologic complications for months or even death.

The threat addressed by the County's the Vector Control Program is really and concrete. The people who have been infected were not bitten by nuisance mosquitoes, they were bitten by disease containing vectors that pose a threat to the health of public. The Vector Control Program has played a significant role in preventing serious human disease and deaths in the past, and will prevent future public health threats.

The 2004 extension plan takes a preventive approach to minimize the necessity for subsequent aerial spraying of pesticides. The CDC guidelines recommend a preventive approach rather than reactive and waiting for an emergency to happen. Not doing anything will result in

uncontrollable mosquito infestations and substantially increase the risk of serious diseases in people such as malaria, West Nile Disease, dengue fever, St. Louis and Eastern Equine encephalitis, and other arthropod borne diseases.

The 2002 plan of work was determined by the CEQ to have a non significant impact where no EIS was required. It's a scaled back plan. There is minimal maintenance ditching. There's strictly limited pesticide usage, and the Office of Ecology would have oversight of water management and pesticide usage. Adult controlled pesticides were reduced by 74% from 2000 to 2001, and only EPA and New York State DEC approved chemicals are used. They are used according to the label requirements conforming to any permit restriction. The County anticipates preparation of a study that will consider the long term implications of the Vector Control Program. In the mean time, there needs to be continuing action to protect the public health from the very really threat of transmission of vector borne diseases. Thank you.

**D.P.O. CARACAPPA:**

Any questions for the Doctor. Legislator Binder.

**LEG. BINDER:**

Dr. You talk about deaths that have happened in years that actually we did a Vector Control Program. What would -- I mean, I have to use an -- obviously an opinion, what kind of control did we do? Were they under control while people actually died anyway? And what could have been the result had we not done larvacide and adulticide when we needed to do it? Give me a scenario, maybe worst case scenario. What could have happened in the scenario in the past, let alone in future?

**ACTING COMMISSIONER MERMELSTEIN:**

Okay. Well, I can tell you what we know. That the -- mosquitos carry the disease and transmit them to birds and other animals and they can also transmit them to humans. I can't give you an exact number of what the impact would be, but when there's humans in close contact with mosquitos, that increases the risk that there would be transmission. So I can't give you an exact number or a bad case scenario. I can tell you in certain countries, for example, in some of the countries in Africa where they have diminished the amount of control of mosquitos, they've seen an increased number of cases, for example, of malaria. So there have been associations with management of mosquito control and outbreaks of disease, which is why we have the CDC recommendations to take action in order to try to prevent it. I can't give you a scenario of

numbers, I can just say that if the place was teeming with mosquitos, humans would be exposed and have more risks.

**LEG. BINDER:**

Now, I'm understanding in Colorado there was a number of cases of West Nile and a number of deaths beyond what was normal or expected. I'm just taking a guess that in Colorado their Vector Control is not thought of the way it is here. We're on -- we have marshes, we have all kinds of vectors where we have a problem. So my guess is that they don't put the kind of focus and effort, and they in turn, had a number of people actually dying from maybe a lack of the kind of effort that we would put in. Could you make a correlation to their effort, the deaths and what we have here?

**ACTING COMMISSIONER MERMELSTEIN:**

I can't speak to Colorado's activities, I'm not familiar with them. I'm not able to answer that. There was also an article in Newsday today actually about a concern in Pennsylvania that there are a higher number of deaths than had been recorded previously and a higher number of people infected. And again, they're looking to see why that is. I think we'll have some more information with the long term management plan in terms of looking at what's been done in the other states and what their activities are and how that correlates.

**LEG. BINDER:**

And the last question. The people, talking about deaths, generally deaths occur in those who are older and those who are youngest, in other words -- is that the case, if it's West Nile? But let's say encephalitis, you can be a healthy middle aged person; is the correct that? I mean the risk of death is still there.

**ACTING COMMISSIONER MERMELSTEIN:**

I would say that in general for mosquito borne diseases, the tendency is more to effect the elderly or the young. In the case of West Nile, at least in this country, the actual age initially was in the 70's, the average age of people who were infected or affected. And that's actually move down. This year I think it's about 48. So the average age is moving down. So I can't say specifically, but there are, I believe, children between the ages -- people between the ages of about five or nine years old up to in the 80s.

**LEG. BINDER:**

Infected, but also, I mean, the deaths occur probably more on those outer ranges, but the important point is deaths occur. This is not something to be taken lightly.

**ACTING COMMISSIONER MERMELSTEIN:**

I absolutely agree with you.

**D.P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Hi, Commissioner. Earlier today, the New York State West Nile Virus Response Plan was mentioned. What is the difference between the New York State West Nile Virus Response Plan and our Vector Control Plan? Because you didn't get into detail being that you only had three minutes, I believe it was somebody from the Nature Conservancy, I'm not sure, any rate do you know what the differences are?

**ACTING COMMISSIONER MERMELSTEIN:**

Well, I believe that our Vector Control Plan follows the guidelines that we use from the CDC, which I believe the state then agrees with. And we follow guidance from the state. They assist us with the process of first of all, performing our surveillance and also monitoring what we do and reporting our numbers. So I don't believe that our Vector Control Plan locally is -- contradicts any of the other standards.

**LEG. VILORIA-FISHER:**

Well, she did indicate one piece of it, which was that aerial spraying would only be used in the case of a health emergency.

**ACTING COMMISSIONER MERMELSTEIN:**

That is the case, and that is what we do.

**LEG. VILORIA-FISHER:**

That was the only item that she mentioned with regard to that plan. And I don't know if you would does the New York New York West Nile Virus Response Plan include ditching or ditch maintenance as part of their protocol?

**ACTING COMMISSIONER MERMELSTEIN:**

Again, the CDC guideline that we follow does recommend taking water management activities as a part of prevention. That is part of what is recommended for control of mosquitos.

**LEG. VILORIA-FISHER:**

Okay. Thank you, Doctor.

**D.P.O. CARACAPPA:**

Legislator Fields.

**LEG. FIELDS:**

Commission, what constitutes a health emergency?

**ACTING COMMISSIONER MERMELSTEIN:**

When there is an identification of West Nile Virus -- or actually other communicable diseases as well, but in the case of West Nile Virus, it's identified in mosquitos, humans or other animals within the County, we report that to New York State Department of the Health, and the New York State Commissioner of Health declares that there is a public health emergency based on that, which is in fact what happened this year. And then based on that, we followed the guidelines for management in that case.

**LEG. FIELDS:**

What are the guidelines?

**ACTING COMMISSIONER MERMELSTEIN:**

The guidelines are what are outlined in our Vector Control Plan and the CDC guidelines.

**LEG. FIELDS:**

What happens if we have identified pools that have West Nile Virus, when do you decide that that particular area should be -- should have an adulticide spraying?

**ACTING COMMISSIONER MERMELSTEIN:**

We look at combination of factors. We look at whether the area that is involved with a mosquito pool -- well, we look to see if there are multiple pools or just one pool, we look to see if it's in a populated area where there's an increased risk of transmission to humans, we also look to see if

there are other animals that are involved; birds, you know, horses and human cases. And we put all that information together, then we make a decision about adulticiding. And in every case, we try and minimize it to the best extent possible.

**LEG. FIELDS:**

So it doesn't depends upon how many mosquitos there are in that particular area, how many bites they get when he go out, how many --

**ACTING COMMISSIONER MERMELSTEIN:**

It does have to do with that. We keep track of numbers of complaints of dead birds. So in addition to actually looking at the ones that we send to the state and get back results on, we also look at the total number of complaints of dead birds in the area. We also look at the types of mosquitos that are in the pools, whether the mosquitos that happen to be type that tend more to affect both humans and birds, whether they are the type that only affect birds. So we take all of that information into consideration and then come up with a plan. Other decisions -- other things that go into making those decisions also include the ability to do the adulticiding, whether it is weather related, if it's too cold, too windy, we're not able to do it, the weather conditions impact on those decisions as well.

**LEG. FIELDS:**

How many birds -- can you determine when the birds are tested that they actually indeed died from West Nile or whether or not they had just had West Nile in their blood?

**ACTING COMMISSIONER MERMELSTEIN:**

I myself am not an entomologist, so I can't exactly answer that questions, but my understanding is that what happens is the birds that are -- die are collected within 24 hours of when they've died and we've send them up to the state and then they test them.

**LEG. FIELDS:**

So we don't know cause of death. It could have been old age or it could have been a trauma or possibly a cat or whatever, but we just know that they've found dead birds and when they did a blood test that they found that they had West Nile Virus.

**ACTING COMMISSIONER MERMELSTEIN:**

That's correct. That's correct. In the County I don't recall of off the top of my head the exact

number of dead birds last year, but it was, like, around 160. It was over 100 that were found and that were actually positive for West Nile Virus.

**LEG. FIELDS:**

So 160 birds and we had how many deaths in Suffolk County last year?

**ACTING COMMISSIONER MERMELSTEIN:**

We had -- death of humans, we had two death of humans.

**LEG. FIELDS:**

In Suffolk County.

**ACTING COMMISSIONER MERMELSTEIN:**

Uh-huh.

**LEG. FIELDS:**

And how many the year before?

**ACTING COMMISSIONER MERMELSTEIN:**

I'm sorry. We had one death last year, two deaths the year before.

**LEG. FIELDS:**

Out of 1.5 million people.

**ACTING COMMISSIONER MERMELSTEIN:**

That's correct.

**D.P.O. CARACAPPA:**

Definitely one too many. Okay. Any other questions for the Doctor? Mr. Dawydiak, do have anything further you will like to add or speak on?

**MR. DAWYDIAK:**

Thank you, Legislator Caracappa, members of the Legislature. If I could just have a couple of moments of your time. I appreciate the opportunity to speak in favor of 1919. Before I get there, there was a question on 1761. I'm the Acting Chief Engineer of the Division of

Environmental Quality. I'm here on behalf of Vito Minei, the Division Director who could not be here today. He sends his regards. You have two handouts, I believe, that were given to you. One of them was last sessions handout that Vito Minei went over. On top of it now it says 1761. This is the one that relates to the scope for the Generic Environmental Impact Statement. It's the one in black and white.

There was some technical defect with the language that Mr. Sabatino pointed out. Those have been corrected. I believe there was consensus that there's broad based support of this GEIS scope. There certainly is among our Steering Committee, citizens and technical advisory committees. At this point delay is resulting, not only in confusion, but also expense, because the long term plan is under way. The consultant can't really commence full scale work on this until this is adopted. So we do urge you to adopt 1761.

If I could just make one comment about some statements that were made on the record earlier this morning. You heard from a number of environment activists regarding 1919 an objections were lodged to those. I won't speak to the policy issues. I do want to point out that there were some factual inaccuracies that were misrepresented. I would characterize them as ranging from factually inaccurate to misleading. Statements about Vector Control impacts having coughed fish kills is absolutely unproven. The assertion that the contract with the consultant for the long term plan not being fairly and openly bid, again, just absolutely untrue. The notion that we dropped field studies and the motion that we have some sort of bias inappropriately against reversion, all of these are inaccurate. I'd be happy to discuss them. They're not really on point. I don't want to take up any more of your time other than to respectfully reject for the record to those mischaracterizations.

Commissioner Mermelstein beautifully summarized our comments on 1919. I would only add with respect to the color handout in addition to the issues of this being a very limited conservative annual plan of work, the fact that's it's necessary to protect public health and that it's been recommend by the Council of Environmental Quality. I just wanted to emphasize that a lot of the concerns that have been raised have to do with ditch maintenance. There's no new ditching here. It's a very small percentage of the overall ditch network. This has been in place since the 1930s, seventy or so years. There has essentially been a status quo reached here. Undoubtedly the ditches have been harmful in some areas, in others they probably have been helpful. We don't where those areas are, we won't know until the end of the study.

The point that I want to emphasize is that at this point going to no plan of work could just as well do more harm than good in that haphazard decay of the ditch system could wind up with flooding, vegetation loss, phragmites invasion and other unintended consequences. We recently heard from the State of Connecticut at one of our meetings about their marsh restoration program. What they have opted for is not to do nothing. What they've done is actively gone in and implemented open marsh water management. Connecticut regulates a similar number of tidal wetlands acres as does Suffolk County, about 10,000 acres. About 4000 of those acres they've targeted as high priority restoration sites. They finished about 2000 acres. They're on to their last 200 acres. We hope to use their program as well as programs in New Jersey and other states as models for own marsh restoration activities. Again, that's a brief overview. I thank you for your time. We do ask that you adopt 1919. I'd be happy to answer any questions.

**D.P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you Mr. Chair and thank you, Mr. Dawydiak for -- for that overview. When you look at Resolution 1919 and the color handout, one of issues that was discussed at length and even debated in committee was the issue of the miles of ditches that are maintained on a yearly basis. When we look at the colored handout, it mentions here maintaining a maximum of 75 miles of ditches of the 660. The question was asked in committee whether it's a new 75 miles every year that is being ditched or reditched, let's put it that way, or whether or not it's a maximum of 70 -- a cumulative maximum of 75 miles that is intended to be reditched between now -- from the other year -- a couple of years ago to the let's say the implementation of the GEIS.

**MR. DAWYDIAK:**

I'd be happy to answer that. We've got an answer from Public Works on that. Essentially it's 75 miles per year, some of it may be redundant from year to year, some of it may be new. The bottom line is that Public Works has maintained approximately 30 miles this year. We're asking that this annual plan of work be extended for two more years. It would likely result in a total of approximately 100 to 125 miles of ditches maintained over two years, which is roughly 20 to 25% of the overall ditch network. Again, keeping in mind that previously they would ditch maintain approximately 200 or miles a year. So they could essentially reditch the entire

network in a matter of three years. So the answer is 100 to 125 miles over two years if this is extended.

**LEG. FOLEY:**

And the prior several years where we've approved the work plan, was that about 30 miles each year that we had reditched or was it more than that?

**MR. DAWYDIAK:**

No. In fact, the 2002 Annual Plan of Work, I believe, was the first one that was significantly scaled back. Prior to that time, the authorization was, I believe, approximately 200 miles a year. The machine maintenance was much more extensive and the entire network was maintained pretty aggressively.

**LEG. FOLEY:**

So in '02 we reditched how many miles, give or take?

**MR. DAWYDIAK:**

'02 was probably also about 30 miles as an estimate.

**LEG. FOLEY:**

And '03 was about 30?

**MR. DAWYDIAK:**

About 30.

**LEG. FOLEY:**

And that's what we're planning on doing each year?

**MR. DAWYDIAK:**

Nope. If there is a permit issued for machine ditching, it could be up to 75 a year.

**LEG. FOLEY:**

Is that being pursued that kind of permit?

**MR. DAWYDIAK:**

Yes, a permit is in the works. I don't know what the status of it is right now. I don't believe it's

been issue yet. But the 75 a year over two years again, would be about 100 to 125, because particularly with hand maintenance these areas tend to accumulate shopping carts and tires and things need to be gone into pretty frequently.

**LEG. FOLEY:**

Well, those are the areas that are closest to the roadways. But some of the extensive wetlands are far removed from the roadway, and it's a different kind of situation. If five years down the road -- we do all this reditching, if five years down the road there's a decision to have an equivalent to Connecticut, New Jersey's OMWM Program, these areas that we've reditched where it's open, we've heard testimony as wide as 12 feet, does the reditching make it more difficult to undertake OMWM in the future because you have to plug the ditch and then put killies in that particular ditch, because it's going to be that much wider, that much deeper than if you hadn't done the reditching in that area

**[SUBSTITUTION OF STENOGRAPHER-LUCIA BRAATEN]**

**MR. DAWYDIAK:**

Yeah. I don't think you could make that sort of blanket assumption. In fact, open marsh water management relies on ditches to convey water. The point with open marsh water management again, in a nutshell, is you're creating ponds and puddles in areas in a controlled manner deep enough to stock fish without going anoxic. Fish eat larvae, but you need to move water in and around the marsh. You need to get salt water back into the marsh, and you essentially need to actively manage the marsh. Filling in ditches is certainly a possibility as needed on a case-by-case basis. But the Connecticut experience has been that marshes have reverted fairly quickly, we're told that on the order of decades, rather than centuries, you know, maybe twenty years. There's very little evidence left of some of their ditches, so I think it's fair to say that any ditching done in the next two years wouldn't seriously impair any open marsh water management efforts.

**LEG. FOLEY:**

Yeah. My only -- through the Chair, my only point would be, would it make OMWM or the OMWM operation and maintenance that much more labor intensive in those areas that we've recently reditched, as opposed to just to letting things stay as they remain, and then when there's a decision made to adopt OMWM in a comprehensive fashion, you can then go into these areas that may not have been maintained over the years, but it's not as much of an effort

involved, as opposed to if you reditched it and it's a very wide, very deep and long canal -- not a canal, but stretch of waterway that will require a lot more labor intensive maintenance of it.

**MR. DAWYDIAK:**

Yeah. The reditching will not have a significant effect on implementing OMWM, that's not the hardest part of the process.

**LEG. FOLEY:**

Okay. Thank you.

**D.P.O. CARACAPPA:**

Okay? Any other questions? Thank you, Walt.

**MR. DAWYDIAK:**

Thank you.

**LEG. CARACAPPA:**

All right. I ask all Legislators to report to the horseshoe. We're going back to the agenda.

**LEG. LINDSAY:**

Then could we make the motion to take this one out of order?

**D.P.O. CARACAPPA:**

We certainly could. There's a motion to take **1919 (Authorizing the continuation of the 2002 Vector Control Plan of Work of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter for 2004)** out of order. 1919 is located --

**LEG. BINDER:**

Eleven.

**D.P.O. CARACAPPA:**

-- on page --

**LEG. BINDER:**

Eleven.

**D.P.O. CARACAPPA:**

Eleven, top one. There's a motion and a second to -- all in favor? Opposed? Abstentions? It's before us. Is there a motion to approve?

**LEG. BINDER:**

Motion.

**D.P.O. CARACAPPA:**

Motion to approve by Legislator Binder.

**LEG. NOWICK:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator Nowick. Legislator Guldi.

**LEG. GULDI:**

Yeah. It's really the same speech. The problem is not whether it's good or bad, the problem is SEQRA. SEQRA says, if you're going to have an environmental impact, you've got to declare it, you've got to do the plan. We can't pretend that cutting 75 miles of trench in wetlands that everybody else in the world has got 125 foot setback is anything but a major environmental impact. We can't pretend that spraying poisons on wetlands is anything but a major environmental impact, and to do so is a direct contradiction of our obligations under the State Environmental Quality Review Act.

This plan, to the extent it says we're not having any other impact, is belied by all of the testimony that you just had as to what we're doing, because if we were not have having an environmental impact, it wouldn't be having these results. It's as simple as that. So we can pretend or continue to pretend that, yeah, we've been doing this for 30 years or 60 years, we could an continue to pretend that we're not violating the law, but we are.

**LEG. BINDER:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Let's call the vote. Legislator Binder.

**LEG. BINDER:**

Yeah. Well, Mr. Chairman we have a death impact on the people of Suffolk County. One or two is too many. And the one or two are happening when we're doing the job of larvicide and adulticide. I don't know what happens when we don't even do that.

I mean, I'm very surprised when I hear, "Well, we have a population of 1.4 million. Only one, only two." That one is someone's child or someone's mother or father, or two. And maybe that's ten next year, if we don't do it. We have a responsibility to the people of Suffolk County to keep them safe. We will get our reports, we will try to do the best we can to protect the environment, but we have a responsibility, and you have people's lives in your hands as you're voting here today. You have the responsibility and you have the choice, and someone may just die on your decision. Think about it before you vote, and I would hope you vote for 1919.

**D.P.O. CARACAPPA:**

Legislator Guldi.

**LEG. GULDI:**

That's right, you won't have to put up with much more of this, honest. The problem is that the Vector Control Program is not a public health program, it's a nuisance mosquito control program. When the Department has a health alert, it has approved methods, technologies, and approaches that it can and does implement. This is not that plan. To pretend, to pretend that the Vector Control Nuisance Program is the Health Department's response to medical emergencies and threats is as disingenuous as it is to pretend that Suffolk County residents who contract diseases elsewhere and come back to Suffolk County to pass away would have been safe by our Vector Control Program.

**LEG. BINDER:**

Mr. Chairman, last -- my last, my last comment, if you don't mind.

**D.P.O. CARACAPPA:**

I don't mind. I recognize Legislator Binder.

**LEG. BINDER:**

Thank you.

**LEG. CRECCA:**

I recognize you, too.

**LEG. BINDER:**

The fact is that by the time it's an emergency, someone is probably dead. Think about that. So that's why this is a health program. Let's avoid the adulticide, if we can, let's get the larvicide down, let's get a program going, and let's protect the people of Suffolk County. That's what we're charged to do.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed?

**LEG. GULDI:**

Opposed.

**D.P.O. CARACAPPA:**

Legislator Caracciolo, Legislator Guldi, Legislator Fields.

**MR. BARTON:**

14.

**D.P.O. CARACAPPA:**

1919 is approved. Going back to tabled resolutions.

**LEG. CRECCA:**

Let's move, people.

**D.P.O. CARACAPPA:**

All right. Let's keep the eye on the ball. 1761.

**LEG. FOLEY:**

What page?

**LEG. CRECCA:**

What page?

**D.P.O. CARACAPPA:**

Page 6, tabled resolutions. **1761 (Making a determination concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan).** I'll make a motion to approve.

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed?

**LEG. GULDI:**

Abstention.

**D.P.O. CARACAPPA:**

There's an abstention, Legislator Guldi.

**LEG. CARACCCIOLO:**

Same here.

**D.P.O. CARACAPPA:**

As well as Legislator Caracciolo.

**LEG. FIELDS:**

And me.

**D.P.O. CARACAPPA:**

**MR. BARTON:**

14.

**D.P.O. CARACAPPA:**

1761 is approved. **1972 (Amending the Suffolk County Salary and Classification Plan in connection with the creation of the Title Medical Records Administrator and amending the 2003 Department of Health Services Budget to include this position).** Just so you know, Civil Service did come down. Their comment, for the record, is that they have no objections to this whatsoever. Originally why it was tabled, there was an incorrect title in the bill that has been changed and submitted within the corrected copy. A desk audit was done and approved. So motion by Legislator Binder, second by Legislator Nowick.

**LEG. VILORIA-FISHER:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Viloria-Fisher.

**LEG. VILORIA-FISHER:**

Perhaps Commissioner Marmelstein could answer this or Mr. Maimoni. Was the offset changed on this, the -- oh, Budget Review is shaking yes -- yes, Fred is saying --

**MR. POLLERT:**

Yes, it was.

**LEG. VILORIA-FISHER:**

It was changed, okay. What is the other position that's being used as the offset now?

**MS. BURKHARDT:**

Health Administrator.

**LEG. VILORIA-FISHER:**

That's the new position. Dr. Marmelstein?

**ACTING COMMISSIONER MERMELSTEIN:**

Off the top of my head, I don't know, but if you have it. I just know that your concern was not using a Public Health Nurse.

**LEG. VILORIA-FISHER:**

A Public Health Nurse.

**MR. SABATINO:**

The health Program Analyst II is the --

**LEG. VILORIA-FISHER:**

Okay.

**MR. SABATINO:**

-- new one.

**LEG. VILORIA-FISHER:**

Thank you very much.

**LEG. BISHOP:**

I have a question.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair.

**D.P.O. CARACAPPA:**

Go ahead, Legislator --

**LEG. BISHOP:**

Has anybody been -- hello? Has anybody been interviewed or is anticipated to hold this position?

**ACTING COMMISSIONER MARMELSTEIN:**

Yes, I believe there has been.

**LEG. BISHOP:**

And do you know who that person is?

**ACTING COMMISSIONER MARMELSTEIN:**

I believe that it's Shelly {Dvorkin}, who's worked actually with us as a consultant and she's does an excellent job. We've been very happy with her work.

**LEG. BISHOP:**

Okay, thank you.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

### **ENVIRONMENT, LAND ACQUISITION AND PLANNING**

**D.P.O. CARACAPPA:**

Moving on to Page 7, 1876 in ELAP. **(1876 - Making a SEQRA determination in connection with the proposed donation of property from Silver Ridge homes to the Suffolk County Nature Preserve, Town of Brookhaven).**

**LEG. CARACCILO:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Guldi, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1935 (Donation and dedication of certain lands to County Parks -- SCDHS Board of**

**Review Transfer of Development Rights (S02-01-0051).** Motion by Legislator Fields, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1954, 1954A (A resolution authorizing the issuance of \$530,000 Serial Bonds of the County of Suffolk, New York, to pay the cost of the acquisition of land for the Suffolk County Multifaceted Land Preservation Program (Bush and Buck property (Abets Creek), East Patchogue, Town of Brookhaven) (CP7177)).**

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley. This is just a bond. Second by myself. Roll call on the bond.

**MR. BARTON:**

On the bond. Legislators Foley.

**LEG. FOLEY:**

It's the local variety.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**MR. BARTON:**

17 on the bond.

**D.P.O. CARACAPPA:**

Thank you.

**LEG. FOLEY:**

Thank you.

**D.P.O. CARACAPPA:**

**2016 (Allocating pay-as-you-go funding for the clean-up of former wallpaper factory site, Lake Ronkonkoma (CP8223.310)).**

**LEG. LINDSAY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator --

**LEG. FIELDS:**

Second.

**D.P.O. CARACAPPA:**

-- Lindsay, second by Legislator Fields.

**LEG. ALDEN:**

Just a quick question.

**D.P.O. CARACAPPA:**

Go ahead.

**LEG. ALDEN:**

Legislator Lindsay, did the Town -- I mean, did the County take this property for nonpayment of taxes?

**LEG. LINDSAY:**

Yes.

**LEG. ALDEN:**

Thanks.

**D.P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**LEG. FOLEY:**

Cosponsor.

**LEG. FIELDS:**

Cosponsor, Henry.

**D.P.O. CARACAPPA:**

Cosponsor as well.

**LEG. CARPENTER:**

Cosponsor.

**LEG. CRECCA:**

Yeah, me too.

**LEG. ALDEN:**

Me, too.

**D.P.O. CARACAPPA:**

**2020 (Making a SEQRA determination in connection with the proposed improvements on CR 19, Patchogue-Holbrook Road, between Old Waverly Avenue and CR 65, Division Street, CP #5040, Town of Brookhaven).** Motion by myself, second by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2021 (Making a SEQRA determination in connection with the proposed acquisition of Patchogue River Watershed Addition - 0.25 Acres - North Patchogue, Town of Brookhaven).** Same motion, same second, same vote.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2222 (Making a SEQRA determination in connection with the proposed donation of property from Newport Construction, Inc., to Suffolk County Parkland for Open Space Preservation, Miller Place, Town of Brookhaven).** Same motion, same second, same vote.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2023 - (Authorizing planning steps for pay-as-you-go 1/4% Taxpayer Protection Program (Land of Roe Avenue, Town of Brookhaven).** Planning steps for pay-as-you-go land acquisition, Roe Avenue, Town of Brookhaven.

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2039 - Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County New Drinking Water Protection Program (Ernest/Norton Farm, Town of Southold (SCTM #0600-067-03-017)).**

**LEG. CARACCIOLO:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Guldi. Is there a second?

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2040** was already approved under Procedural Motion 8.

**2042 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Mastic/Shirley Conservation Area-Town of Brookhaven) (SCTM #0200-980.70-06.00-038.000)).**

**LEG. O'LEARY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?  
2042 is approve.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2044, 72-h (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (New York State Department of Environmental Conservation)).**

**LEG. FIELDS:**

Motion.

**LEG. VILORIA-FISHER:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Fields, second by Legislator Viloría-Fisher. All in favor? Opposed?  
Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2045 - Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County New Drinking Water Protection Program (Soundview Farm, Town of Riverhead (SCTM#0600-018-01-005 & 006.001)).**

**LEG. CARACCILO:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Caracciolo.

**LEG. GULDI:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator Guldi. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2047 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Amsterdam Beach-Town of East Hampton)).**

**LEG. GULDI:**

Motion.

**D.P.O. CARACAPPA:**

Motion by legislator Guldi, second by Legislator Vilorio-Fisher. This is Amsterdam Beach, Town of East Hampton. All in favor? Opposed? Abstentions.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

2048 was approved under Procedural Motion Number 9.

**2049 - Donation and dedication of certain lands to County Parks (File No. S02-00-138).**

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley, second by Legislator Fields. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2050** was tabled. **2051** was approved. **2052 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (Patchogue River Watershed - Town of Brookhaven)).**

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley.

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2053 (Authorizing planning steps for land acquisition underwater quality protection component of the 1/4% Drinking Water Protection Program (Fresh Pond Addition, Towns of Huntington/Smithtown), (SCTM #0400-014.00-07.00-009.000 (p/o) and 0800-001.00-02.00-024.000)).** Motion by Legislator Nowick, second by Legislator Binder. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2084 (Authorizing planning steps for the acquisition of land under Pay-As-you-Go 1/4% Taxpayer Protection Program (Land of Hauppauge Springs, Town of Smithtown)).** Motion by Legislator Crecca, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

2085 was approved. **2088 (Amending Resolution No. 222-2003, Approving acquisition under Pay-As-You-Go 1/4% Taxpayer Protection Program (Adamowicz property, Town of Southold, Suffolk County Tax Map No. 1000-121.00-05.00-004.001)).** It's the Adamowicz Property, Town of Southold.

**LEG. CARACCIOLO:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Caracciolo, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2089 - Authorizing planning steps for acquisition (under Suffolk County Multifaceted Land Preservation Program (Property at May Croft Village of North Haven) Town of Southampton).** This is May Croft Village of North Haven. Motion by Legislator Guldi, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE**

**D.P.O. CARACAPPA:**

Ways and Means, Real Estate. **1836 (Adopting Local Law No - 2003) A Charter Law to dispose of all surplus County vehicles via public auction.**

**LEG. FOLEY:**

Explanation, please.

**D.P.O. CARACAPPA:**

Explanation. There's a motion by Legislator Carpenter.

**LEG. ALDEN:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator Alden. Explanation. Who wants to do it, the sponsor or Counsel?

**LEG. CARPENTER:**

Counsel.

**D.P.O. CARACAPPA:**

Counsel, please.

**MR. SABATINO:**

This would change the current law to require that all County vehicles declared to be surplus would go to a public auction with a competitive bid, except that the vehicles which you currently permit to be transferred to not-for-profits or municipal corporations for \$200 could now be done again as a direct sale, but it would have to be at least fair market value. So the difference would be, instead of \$200 on those direct sales, it would be fair market value, and everything else would be competitively bid, which could be fair market value or greater. And the fiscal impact would, according to something that was distributed, would be at least \$107,000 per year.

**LEG. CARPENTER:**

But, if I could, I just wanted to reemphasize that it does give an opportunity for any of the not-for-profits, any of the community groups that want to purchase that vehicle for, you know, fair market value to do so before it goes to auction.

**D.P.O. CARACAPPA:**

Okay? There's a motion and a second. All in favor? Opposed?

**LEG. GULDI:**

Opposed.

**D.P.O. CARACAPPA:**

Opposed, Legislator Guldi. Abstentions?

**LEG. LINDSAY:**

Henry, list me as a cosponsor.

**LEG. FIELDS:**

Cosponsor, Henry.

**LEG. LINDSAY:**

Cosponsor.

**LEG. LOSQUADRO:**

Cosponsor.

**D.P.O. CARACAPPA:**

Cosponsor Legislator Fields, Legislator Lindsay.

**LEG. ALDEN:**

Cosponsor.

**D.P.O. CARACAPPA:**

Legislator Losquadro, and Alden.

**LEG. COOPER:**

Cosponsor.

**D.P.O. CARACAPPA:**

And Cooper. **(Vote: 16).**

**1851 - (Adopting Local Law No. 2003) A Charter Law to facilitate partial County funding of voluntary public financing for County elections through County contract processing fee.**

**MR. BARTON:**

16.

**D.P.O. CARACAPPA:**

Motion by Legislator Vilorio-Fisher.

**LEG. CARACCILO:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator --

**LEG. CRECCA:**

Motion to table.

**LEG. ALDEN:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator Caracciolo.

**LEG. CRECCA:**

Motion to table.

**LEG. VILORIA-FISHER:**

Wait a minute.

**D.P.O. CARACAPPA:**

There's a motion to table.

**LEG. VILORIA-FISHER:**

Wait a minute.

**LEG. ALDEN:**

Second.

**D.P.O. CARACAPPA:**

Hold on.

**LEG. VILORIA-FISHER:**

I'm sorry. No, I didn't make the motion.

**D.P.O. CARACAPPA:**

Oh, I figured you would.

**LEG. VILORIA-FISHER:**

No, no.

**D.P.O. CARACAPPA:**

This is your bill.

**LEG. VILORIA-FISHER:**

I'm making a motion to table to the first January meeting.

**D.P.O. CARACAPPA:**

There's a motion to table by the sponsor to the first meeting, first General Meeting of this Legislature in the Year 2004. All in favor? Opposed? Second by myself. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Opposed.

**D.P.O. CARACAPPA:**

Opposed, Legislator Binder.

**LEG. CRECCA:**

Roll call.

**MR. BARTON:**

16.

**LEG. O'LEARY:**

Roll call on the table?

**LEG. CRECCA:**

All right.

**D.P.O. CARACAPPA:**

The vote's been called. **1855 - Authorizing the sale of three (3) surplus County cars to Southampton School District.**

**LEG. GULDI:**

A motion, and on the motion.

**D.P.O. CARACAPPA:**

Motion --

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

-- by Legislator Guldi.

**LEG. O'LEARY:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator O'Leary. Legislator Guldi.

**LEG. GULDI:**

This is -- these three cars were before the Legislature in the last batch of cars. This got defeated, and the others that were then pending got tabled. The others, those tabled resolutions were then approved. This one wasn't eligible at that time. I think that it's unfair to treat Southampton differently than the other municipalities, given --

**D.P.O. CARACAPPA:**

They treat us differently.

**LEG. GULDI:**

Given the --

**D.P.O. CARACAPPA:**

Fred -- at least Fred laughed. There's a motion and a second. All in favor?

**LEG. CRECCA:**

We're on 1855?

**D.P.O. CARACAPPA:**

Yeah. All in favor? Opposed? Abstentions?

**LEG. CRECCA:**

I wholeheartedly support it.

**(Opposed Said in Unison by Legislators)**

**D.P.O. CARACAPPA:**

Okay. Opposed, Legislator Caracciolo, Legislator Losquadro, Legislator Alden, Legislator -- that's it.

**LEG. CRECCA:**

Got to give him something.

**LEG. O'LEARY:**

He didn't get the showmobile.

**MR. BARTON:**

14.

**LEG. GULDI:**

Didn't get the showmobile.

**D.P.O. CARACAPPA:**

It's approved. 1856.

**LEG. GULDI:**

What was that land you wanted preserved in Smithtown?

**D.P.O. CARACAPPA:**

Adopting Local Law --

**LEG. BINDER:**

That was for you, Guldi.

**D.P.O. CARACAPPA:**

**(1856 - Adopting Local Law No -- 2003, A Local Law) to authorize the establishment of fees in the Department of Health Services, Division of Medical-Legal Investigation and Forensic Sciences for requests for cremation approvals).** Who want to approve this? Who wants to make the motion at least?

**LEG. CRECCA:**

I'll make the motion.

**D.P.O. CARACAPPA:**

Motion. No, that's a joke. Motion by Legislator Binder, second by Legislator --

**LEG. BINDER:**

No, no, no. I've got a problem with cremation.

**D.P.O. CARACAPPA:**

Okay. Oh, motion by Legislator Crecca, second by Legislator --

**LEG. GULDI:**

I'll make the motion. After all, we had my wake this afternoon.

**D.P.O. CARACAPPA:**

Legislator Guldi.

**LEG. BISHOP:**

Is this establishing a new fee --

**LEG. GULDI:**

Yes.

**LEG. BISHOP:**

-- that doesn't exist prior?

**MR. SABATINO:**

Correct. It's probably.

**LEG. BISHOP:**

And what is the fee?

**MR. SABATINO:**

The fee would be \$30.

**LEG. BISHOP:**

To do what?

**LEG. O'LEARY:**

To cremate.

**MR. SABATINO:**

To get permission from the Division -- well, from the Division of Forensic Sciences in the Health Department.

**LEG. BISHOP:**

To do what? I don't understand. What's the fee?

**LEG. GULDI:**

We can continue to tax you after you're dead.

**D.P.O. CARACAPPA:**

Legislator Bishop for questions.

**LEG. BISHOP:**

Well, I've been waiting for the answer from Counsel.

**MR. SABATINO:**

You currently need permission to cremate a body within the County of Suffolk. The permit currently doesn't cost anything. This would impose a fee of \$30 per application.

**LEG. BISHOP:**

And why?

**MR. SABATINO:**

It would generate \$30,000.

**LEG. BISHOP:**

Let me suggest that there are better ways for the Suffolk County to generate \$30,000 than to tax --

**D.P.O. CARACAPPA:**

Yeah. I want to withdraw my motion to approve and make a motion to table.

**LEG. BISHOP:**

-- than to tax cremation.

**D.P.O. CARACAPPA:**

There's a -- the motion has been withdrawn.

**LEG. TONNA:**

How about pet cremation.

**LEG. CRECCA:**

You know what, I'll make -- I'll withdraw my motion and make no other motions.

**D.P.O. CARACAPPA:**

Is there a motion? It fails for lack of a motion.

**LEG. CRECCA:**

There we go.

**D.P.O. CARACAPPA:**

1917. That bill was killed.

**LEG. CRECCA:**

It went up in flames.

**D.P.O. CARACAPPA:**

**1917.**

**LEG. CRECCA:**

It went down in flames.

**D.P.O. CARACAPPA:**

A Local Law to -- oh, up flames. **To authorize the establishment of fees in the Real Property Tax Service Agency for subscription services via the internet.**

**LEG. CARACCILO:**

Motion.

**LEG. CRECCA:**

Motion.

**LEG. BINDER:**

Motion to table.

**D.P.O. CARACAPPA:**

Motion by Legislator Caracciolo.

**LEG. BINDER:**

Motion to table.

**LEG. GULDI:**

Second. Let's tax them this way instead.

**D.P.O. CARACAPPA:**

There's a second by Legislator Bishop.

**LEG. BINDER:**

Motion to table.

**D.P.O. CARACAPPA:**

There's a motion to table by Legislator Binder.

**LEG. BISHOP:**

So it's more fun to tax them while they're alive.

**D.P.O. CARACAPPA:**

Is there a second to the tabling motion?

**LEG. GULDI:**

I'll second.

**D.P.O. CARACAPPA:**

Second by Legislator Guldi. All in favor of tabling? All in favor?

Legislator Guldi.

**LEG. VILORIA-FISHER:**

To which one?

**D.P.O. CARACAPPA:**

Legislator Guldi and Legislator Binder.

**LEG. BISHOP:**

In favor of tabling?

**D.P.O. CARACAPPA:**

Yeah.

**LEG. BISHOP:**

Myself.

**D.P.O. CARACAPPA:**

And Legislator Bishop.

**LEG. BISHOP:**

Roll call. Roll call requested, and on the motion.

**LEG. BINDER:**

On the motion.

**D.P.O. CARACAPPA:**

Wait, wait, wait. On the motion, or you want to speak?

**LEG. CRECCA:**

You already started to call the -- you already started to call the vote, it's too late.

**D.P.O. CARACAPPA:**

He asked for on the motion.

**LEG. BISHOP:**

I have nothing to say on that.

**D.P.O. CARACAPPA:**

Very good. Legislator Lindsay.

**LEG. LINDSAY:**

Wasn't there an issue about this, that there was an annual fee that was quite substantial, but, you know, it overlooked the individual that wants to look up something on the internet. I mean, they have to pay the same fee as a service, right?

**LEG. CRECCA:**

They can still -- but they can still get the information where they used to get the information. The real debate here on this bill --

**LEG. LINDSAY:**

Yeah, but they'd have to come down and get it, right? I mean, they can't do it over the internet at all.

**LEG. BISHOP:**

Right.

**LEG. LINDSAY:**

I mean, isn't the fee something like \$5,000 or something?

**LEG. CRECCA:**

It is, but the problem is, is that they have not -- I don't believe they built the infrastructural mechanisms for someone to access this information on the internet without being able to get all this information, and until they do that, this was a great way to generate fees, provide a convenient service there, and it doesn't interfere with any of the fees we currently collect from the County Clerk's Office.

**LEG. LINDSAY:**

This isn't going to interfere with the Clerk's Office?

**LEG. CRECCA:**

No. I had spoken to the Clerk, and I think the Clerk even came before the Legislature last time we were here and indicated that he now has no opposition to this bill, as there was some clarifications made by Real Property Tax Service.

**D.P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

I've gathered a few thoughts in my head. It is true, the issue between the Clerk and the Real Property Tax Director has been solved. And moreover, I did have a conversation on the issue that Legislator Lindsay raises, which I have raised as well, about the individual user, and the Director of Real Property Tax Services assures me that she will be working next year on a solution to that. So I'm going to vote for it, although I think that we should first think about the small user before we think about the big user.

**LEG. BINDER:**

I'll withdraw my tabling motion.

**D.P.O. CARACAPPA:**

Fred, you issued a memo this morning relating to this, if you just want to put those comments on the record for us.

**MR. POLLERT:**

Yes. The Budget Review Office was requested to do a review, and that review was prepared this morning and distributed to all the Legislators. Basically, we found out that there was very little overlap at this point in time between the County Clerk and the Real Property Tax Service Agency. The County Clerk System was specifically designed to address the small casual user, but, as Legislator Lindsay has indicated, the infrastructure is not there to be able to do that. So both the County Clerk and the Real Property Tax Service Agency will deal with large subscription types of services.

Our recommendation is rather than having two data bases, that the County needs to develop one unified data base, and also make it available to the retail consumer. That needs to be done sometime in January and February of next year, because, at this point in time, the casual user --

the retail user has no capability of tapping into the internet, and you're going to force even the large users to do two very expensive subscriptions. It should be a unified coherent data base.

**D.P.O. CARACAPPA:**

Okay. Everyone got that?

**LEG. BISHOP:**

Sure.

**D.P.O. CARACAPPA:**

There's a motion to approve and a second. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Abstain.

**LEG. GULDI:**

Abstention.

**D.P.O. CARACAPPA:**

Abstention, Legislator Guldi and myself.

**LEG. BINDER:**

And myself.

**D.P.O. CARACAPPA:**

And Legislator Binder.

**MR. BARTON:**

14.

**D.P.O. CARACAPPA:**

1917 is approved. 1978 has been approved. Oh, yeah, I recognize Legislator Carpenter.

**LEG. CARPENTER:**

I distributed, and I apologize for not having gotten this out sooner, and we may not be here for another hour, but if we are, Resolution 1794, amending the Operating Budget to create the

position of Energy Engineer and Research Technician for the Department of Public Works. We talked about this. There needed to be some changes made by Civil Service, and I think that was why we had the delay, so I'd like to waive the rules.

**D.P.O. CARACAPPA:**

Motion to discharge by Legislator Carpenter, second -- I make a motion to waive the rules, the discharge rules to allow it to be discharged from Budget Committee.

**LEG. CARPENTER:**

Right, and --

**D.P.O. CARACAPPA:**

So there's a motion and a second to do that.

**LEG. CARPENTER:**

And to age an hour for approval.

**D.P.O. CARACAPPA:**

And to age an hour for approval.

**LEG. GULDI:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Guldi.

**LEG. FIELDS:**

Isn't there a special rule on Budget Committee discharges.

**D.P.O. CARACAPPA:**

I just made that motion to waive it.

**LEG. GULDI:**

And that motion is proper? Does it require super-majority.

**MR. SABATINO:**

It's a simple majority.

**LEG. O'LEARY:**

Simple or super?

**LEG. VILORIA-FISHER:**

Simple or super?

**LEG. O'LEARY:**

Simple or super?

**D.P.O. CARACAPPA:**

Simple majority.

**MR. SABATINO:**

A simple majority, at least ten. It's been done before, not a lot of times, but probably five or six times in the ten years we've had the rule. .

**LEG. CARPENTER:**

And if we could, while we're waiving rules, to waive the one-hour waiting rule. Are we able to do that?

**D.P.O. CARACAPPA:**

You can.

**LEG. CARPENTER:**

All right. I'd also make that motion.

**MR. SABATINO:**

Yeah. There's just a question whether you want to do these in separate motion -- separate waivers --

**D.P.O. CARACAPPA:**

Why don't we just do it, and see what time we have.

**LEG. CARPENTER:**

Okay. That sounds like a plan.

**D.P.O. CARACAPPA:**

And if we don't have the hour, we can make a motion later.

**LEG. CARPENTER:**

Okay, good. Thank you.

**D.P.O. CARACAPPA:**

So, that motion stands. There's a motion and a second. All in favor? Opposed? Abstention? That will age until the appropriate time.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

Legislator Lindsay?

**LEG. LINDSAY:**

No.

**D.P.O. CARACAPPA:**

Okay. **2019 - Allocating pay-as-you-go funding for improvements to the William Rogers Legislative Building (Hauppauge (CP 1688.313)).** Motion by Legislator Foley, second by myself. All in favor? Opposed?

**LEG. CARACCILOLO:**

Opposed.

**D.P.O. CARACAPPA:**

Abstentions? Legislator Caracciolo is opposed.

**MR. BARTON:**

16.

**D.P.O. CARACAPPA:**

**2041 (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing purposes).**

It's a 72-h, Town of Babylon, for affordable housing purposes. Motion by Legislator Bishop, second by Legislator Binder. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2046 (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Huntington for Affordable housing purposes).**

72-h for the Town of Huntington for affordable housing purposes. Motion by Legislator Cooper, second by --

**LEG. TONNA:**

Myself.

**D.P.O. CARACAPPA:**

-- Legislator Tonna. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**(1057) - Amending the 2003 Operating Budget, transferring funds to the appropriate Debt Services Accounts, and authorizing the County Comptroller and the County Treasurer to make a payment to the Capital fund for the bond anticipation renewal notes principal paydown and accept revenue within the Capital fund.**

**LEG. VILORIA-FISHER:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Viloría-Fisher, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**PUBLIC SAFETY & PUBLIC INFORMATION**

**D.P.O. CARACAPPA:**

Public Safety, Public Information. **(2017) Allocating pay-as-you-go funding for Personal Body Alarm System for Riverhead Medium and Maximum Security Correctional Facilities (CP 3033).** Motion by Legislator Carpenter, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**[COSPONSOR SAID IN UNISON BY LEGISLATORS]**

**D.P.O. CARACAPPA:**

Cosponsor, Legislator Alden, Losquadro.

**LEG. O'LEARY:**

Cosponsor, Henry.

**D.P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. GULDI:**

Cosponsor.

**D.P.O. CARACAPPA:**

Legislator Guldi.

**LEG. COOPER:**

Cosponsor.

**D.P.O. CARACAPPA:**

Legislator Cooper.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2034 - Accepting and appropriating a grant in the amount of \$85,710 (from the State of New York Governor's) Traffic Safety Committee, (to enforce motor vehicle passenger restraint regulations with 91.83% support).** Motion by Legislator Lindsay, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2038 (Accepting and appropriating a grant in the amount of \$54,500 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department to implement an In-Car Cameras Program, with 75% support).** Accepting a grant for \$54,500 to implement in-car camera program.

**LEG. FIELDS:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Fields, second by Legislator O'Leary. All in favor? Opposed? Abstentions?  
**(Vote: 17)**

### **PUBLIC WORKS & TRANSPORTATION**

Public Works and Transportation. **2025 and 2025A - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of highway**

**maintenance equipment.** Motion by Legislator Foley, second by myself. Roll call on the bond.

**MR. SABATINO:**

Mr. Chairman, just in the resolution itself, the third Whereas Clause should be stricken, because it makes reference to a change in the method of finance and that's not true.

**D.P.O. CARACAPPA:**

Let the record reflect the change in the language as stated by Counsel. There's a motion and second. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILOLO:**

Yes.

**MR. BARTON:**

17 on the bond.

**D.P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

**2026, 2026A (Amending the 2003 Capital Budget and Program and authorizing the**

**purchase of up to twenty -- five (25) paratransit vans and related equipment, accepting and appropriating County (10%) State (10%), and Federal funds (80%) for this acquisition (CP 5658).** Motion by Legislator Foley, second by myself. All in favor? Oh, roll call.

**MR. BARTON:**

On the bond.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Yeah.

**LEG. CARACCILOLO:**

Yes.

**MR. BARTON:**

17 on the bond.

**D.P.O. CARACAPPA:**

Thank you. Same motion, same second, same vote on the companion resolution.

2027 and 2028, just so you know, will be -- this will help -- actually receive money for the County based on past agreements with the federal government.

**2027 (Amending 1159-2002 for participation in construction in connection with the replacement of the bridge carrying Mill Dam Road over Centerport Harbor, Town of Huntington (Capital Program Number 5854).** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2028 (Amending resolutions Nos. 1136-2001, 206-2002 and 951-2002 for participation in construction in connection with safety improvements at various locations (Capital Program Number 3301.343).** Same motion, same second, same vote.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2037 (Authorizing County to enter into an Inter-Municipal Agreement with the Town of Southampton for the maintenance of parking regulation signs, bus stop location signs and bus passenger shelters).** Motion by Legislator Guldi, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**(RETURN OF STENOGRAPHER - DONNA CATALANO)**

**D.P.O. CARACAPPA:**

**2056, (amending Capital Resolution No. 1052-2002, for the purchase of up to 28 transit buses, related spare parts, radios, fare boxes and bus inspection/audit services).** Motion by Legislator Foley, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2058, 2058 A, (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 17, Carleton Avenue/Wheeler Road, Town of Islip).** Motion by Legislator Fields, seconded by Legislator Alden.

**MR. SABATINO:**

Again, Mr. Chairman, the third whereas clause should be stricken it's not a change in finance. So it's only 12 votes.

**D.P.O. CARACAPPA:**

Let the record reflect that changes as stated by Counsel. Roll call.

**MR. BARTON:**

On the bond.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. FIELDS:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Abstain.

**LEG. CARPENTER:**

Yeah.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Abstain.

**LEG. CARACCILOLO:**

Yes.

**LEG. CARACAPPA:**

Yes.

**MR. BARTON:**

15, two abstentions, one not present.

**D.P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **2059, 2059 A, (amending the 2003 Capital Budget and Program and appropriating funds in connection with the bulkheading at various locations).** Motion by myself, seconded by Legislator Foley. Roll call.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**MR. BARTON:**

On the bond.

**D.P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**MR. BARTON:**

16, one abstention, one not present on the bond.

**D.P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **2073, authorizing public hearing for authorization of approval to alter rates for South Ferry, Inc.** Motion by Legislator Caracciolo, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions.

**MR. BARTON:**

17, hearing set.

**D.P.O. CARACAPPA:**

**2075, authorizing public hearing for authorization of license for At The Port, Inc. For Cross Bay and along lateral license, Patchogue River and Bay Licence all within the County of Suffolk.** Motion by Legislator O'Leary, seconded by Legislator Losquadro.

**LEG. FOLEY:**

Just on the motion, Mr. Chairman.

**D.P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Just ask Counsel, when this was laid on the table at the last meeting, there was a one page resolution. Usually when we have a new business or even an established ferry business, if they're looking for a public hearing as well as -- a hearing for a license as well as a hearing for rates, there's normally a voluminous backup to resolution. I still haven't received any backup for this one page resolution. Could Counsel shed some light on this?

**MR. SABATINO:**

As I indicated at the committee, the companion bills which actually called for the approval of the rates and license are defective. The lack the level of detail used to describe. However, these two resolutions are just to set the public hearing. They are in appropriate form.

**D.P.O. CARACAPPA:**

On the motion, Legislator O'Leary.

**LEG. O'LEARY:**

Just as a point of order with respect to the language of the resolution, my understanding is this is not a cross bay service, this is a lateral service, the Patchogue River itself. So there will not be any across bay service involved with At The Port.

**LEG. FOLEY:**

Okay. Thank you.

**D.P.O. CARACAPPA:**

Okay. We'll bring that up in Public Works. This is for public hearing, public hearing only. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17, public hearing is set.

**D.P.O. CARACAPPA:**

**2077, (authorizing public hearing for rates for At The Port Inc., for cross bay and along lateral license, Patchogue River and Bay License, all within the County of Suffolk).** Same motion, same second, same vote.

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2087, (transferring assessment stabilization reserve funds to the Capital Fund, amending the 2003 operating Budget, amending the 2003 Capital Budget and Program, and appropriating funds for improvements to Suffolk County Sewer District No. 18 - Hauppauge Industrial).** Motion by myself, seconded by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

1919 has been approved. **2024, (amending the 2003 Capital budget and Program,**

**amending the 2003 Operating Budget and appropriating funds in connection with the purchase of a generator for Emergency Preparedness for the Health Department).**

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley, seconded by Legislator Losquadro.

**LEG. ALDEN:**

On the motion.

**D.P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

I just hope next year we can do things a little differently in regards to these generators.

**D.P.O. CARACAPPA:**

Thank you. There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2029, requesting legislative approval of a contract award for pharmacy consultation services for the Department of Health, Division of Mental Hygiene Services and the John. J. Foley Skilled Nursing Facility.**

**LEG. CARPENTER:**

Explanation.

**D.P.O. CARACAPPA:**

Explanation, Counsel, please.

**MR. SABATINO:**

The title is a little bit inaccurate, because you're not requesting Legislative approval, you're actually granting Legislative approval. But this is based on that 1996 law, which says that if you only have one responder to and RFP for a contract that's more than \$20,000, then you have to get a two-thirds vote of the Legislature to approve it. So although the title is incorrect, the goal is to either grant approval or not grant approval. And it takes a two-thirds vote. This particular contract is for pharmacy consultation services and -- well eight vendors received the RFP, but only one responded.

**LEG. CARACCILOLO:**

Mr. Chairman, I don't see in the backup what the fee for services are.

**LEG. CRECCA:**

It say there's no fiscal impact on it, which is a little odd if it's a contract.

**LEG. CARACCILOLO:**

Motion to table.

**D.P.O. CARACAPPA:**

There's a motion to table to a date certain?

**LEG. CARACCILOLO:**

Until the first meeting in January.

**LEG. CRECCA:**

Regular meeting.

**D.P.O. CARACAPPA:**

First regular meeting of the Legislature. There's a motion to table to that time by Legislator Caracciolo, seconded by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

That is tabled. **2035, (accepting and appropriating an amendment to the college budget for a grant award from the State Education Department of the State University of New York for a Science and Technology Entry Program 81% reimbursed by the state funds at Suffolk County Community College).**

**D.P.O. CARACAPPA:**

Motion by Legislator Vilorio-Fisher, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**2055, approving the Local Area Network Upgrade at Suffolk County Community College.** Motion by Legislator Carpenter, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

Parks, Sports and Cultural Affairs. **1838, establishing task force study need for an ATV park in Suffolk County.** Motion by Legislator Crecca, seconded by myself.

**LEG. CRECCA:**

Mr. Presiding Officer, I'm making a motion table to the first regular meeting.

**D.P.O. CARACAPPA:**

Motion to table to the first regular meeting of the Legislature in 2004 by Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**LEG. CRECCA:**

Legislator Fields made some recommendations. I didn't have a chance to implement them, that's the reason why I'm tabling that.

**D.P.O. CARACAPPA:**

I'm terribly sorry about that. **1846, appointing Joanna Ferraro-Levy as a member of the Suffolk County Citizens Advisory Board of the Arts.** Motion by Legislator Guldi, seconded by Legislator Losquadro.

**LEG. BINDER:**

Any relation to Steve Levy?

**LEG. VILORIA-FISHER:**

No.

**D.P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1871, adopting Local Law No. -2003, A Charter Law to abolish Division of Sports and Recreation.** Motion by Legislator Fields, seconded by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

**1952, 52 A, appropriating funds in connection with the revitalization of the William and Mollie Rogers Waterfront at the Vanderbilt Museum, Centerport.**

**D.P.O. CARACAPPA:**

Motion by Legislator Binder, seconded by Legislator Cooper. Roll call. On the motion, Legislator Crecca.

**LEG. CRECCA:**

Budget Review. Jim, do you have a number on this?

**MR. SABATINO:**

125,000.

**LEG. CRECCA:**

Thank you.

**D.P.O. CARACAPPA:**

Roll call.

**MR. BARTON:**

On the bond.

**(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)**

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Yes.

**MR. BARTON:**

17 on the bond.

**D.P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **1993, (modifying new investment policy for Suffolk County Vanderbilt Museum Trust Fund).** Motion by Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

Economic Development and Energy. **2054, (approving the change of project for downtown revitalization Round III funding for the Greater Patchogue Chamber of Commerce and Round IV funding for the Westhampton Beach Performing Arts Center).** Motion by Legislator Foley seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

Moving on to the Sense Resolutions. **Sense 66, memorializing resolution requesting Metropolitan Transportation Authority to reject Huntington Station railyard location.** Legislator Cooper.

**LEG. COOPER:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed?

Abstentions?

**LEG. BINDER:**

Cosponsor, Henry.

**D.P.O. CARACAPPA:**

There is opposition by Legislator Losquadro, Legislator Lindsay, Legislator Vilorio-Fisher.

Abstentions?

**MR. BARTON:**

14-3, one not present.

**D.P.O. CARACAPPA:**

**Sense 69, (memorializing resolution requesting EPA to reject dumping of dredge spoils off of Huntington shoreline).**

**D.P.O. CARACAPPA:**

Motion by Legislator Cooper, seconded by Legislator Binder. All in favor? Opposed?

Abstentions?

**MR. BARTON:**

17.

**LEG. BINDER:**

Cosponsor.

**LEG. VILORIA-FISHER:**

Cosponsor.

**LEG. FOLEY:**

Cosponsor.

**D.P.O. CARACAPPA:**

**Sense 70, (memorializing resolution requesting New York State to provide oversight for assisted living residences).** Motion by Legislator Lindsay, seconded by Legislator

Carpenter. All in favor? Opposed?

**LEG. BISHOP:**

On that motion.

**MR. BARTON:**

17.

**LEG. BISHOP:**

I just have a question of Counsel. Oversight of assisted living facilities, we're requesting the state to do it, and that's what we should do. What I want to know is if they negligent to do it, is it something that the County could do if it chose to or is ther preemption on that, do you know?

**MR. SABATINO:**

It would depend on what you would want to do. But I would suspect that probably the Board of Health, which has state authority might be a better place for a starting point if you wants to do heavy duty regulations. I can't think of anything off the top of my head that we could regulate. But I don't want to say it's absolutely totally completely preempted. But the Board of Health under the health Code would have an opportunity to do something.

**LEG. BISHOP:**

Legislator Lindsay wants to say something, and I want to hear it.

**LEG. LINDSAY:**

Well, this resolution came out of the Veterans and Seniors Committee. We had some people in testifying before us about the Ombudsman Program. We have Ombudsman that monitor patients in nursing homes. But we were surprised to find out that the law doesn't cover assisted living. And that's one of the things that we're looking to extend. Not so much the facility, but to keep an eye on the patients, that they're being treated properly.

**LEG. BISHOP:**

Right. What I'm suggesting is if there's -- if there's a vacuum there, that's such a critical issue that maybe it's something that the local government. If the state is reluctant to do it should look at.

**LEG. VILORIA-FISHER:**

If I may, Mr. Chair. I met the Ombudsman people, any they said that the assisted living facilities don't have to let them in if they're not -- Dave, I'm trying to answer your question. The Ombudsman won't even be allowed in if they are not sanctioned by the state. Okay. Family Service League has the Ombudsman Program, they can't go in without the state standards.

**D.P.O. CARACAPPA:**

There is a motion and a second, all in favor? Opposed? Abstentions?

**MR. BARTON:**

17.

**D.P.O. CARACAPPA:**

That was 70, Henry. **Sense 71, memorializing resolution requesting Metropolitan Transportation Authority to reject Smithtown railyard location.** Motion by Legislator Nowick, seconded by Legislator Crecca. All in favor? Opposed? Oppositions, Legislator Viloria-Fisher, Legislator Losquadro, Legislator Lindsay. Abstention by Legislator Binder.

**MR. BARTON:**

13-3, one abstention.

**D.P.O. CARACAPPA:**

I'm going to make a motion to waive the rule -- the one hour rule as it relates to discharge legislation, and I'd like to make a motion to approve and seconded by Legislator Carpenter **Resolution 1794, which is amending the adopted 2003 budget to create positions of energy engineer and research technician for the County Department of Public Works.** There's a motion and a second. On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

I just question at this time of the year as we're going into a new administration why we're creating new positions in any of our departments?

**LEG. CARPENTER:**

If I could respond? This is something that had been discussed for, you know, quite some time,

and the suggestion originally was to hire a consultant to look at our energy needs to make sure that we were employing every bit of energy efficiency that we could. And it appeared to be a more cost effective route to create a position or positions within the department. Budget Review Office supported that concept. There was time that went by with getting Civil Services to have the right and appropriate grade designation and all. But it really is something that will reap -- you know, it's an investment worth while.

**LEG. LINDSAY:**

I don't disagree with the concept, Legislator Carpenter, I just disagree with the timing at this point in time.

**LEG. CARPENTER:**

Well, I know that the County Executive-elect has reached out on a number of bills for either support or not to support. And this has been out there for months, and we had heard nothing. So I can only assume that he in his quest for economic efficiency would be very supportive of this kind of thing.

**LEG. LINDSAY:**

It's unfortunate, that while we're having this very serious dialog the Minority Leader is stealing my poinsettia.

**LEG. CARPENTER:**

Shame on you.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions? Opposed, Legislator Foley, Vilorio-Fisher, Lindsay and Guldi.

**MR. BARTON:**

13.

**D.P.O. CARACAPPA:**

It's approved. Just two more minutes, please. I'd like to recognize on the record our colleagues who are leaving us, Legislator Guldi, Legislator Fields for your years of public service, our years of membership in this Legislature and your great service to your constituents in your

respective districts and throughout Suffolk County. Legislator Fields, you'd like to say something?

**LEG. FIELDS:**

It's been a pleasure for the most part to work here with my colleagues. And I will be watching you, and I will come back. It maybe in a different capacity on a different level, hopefully. And I hope you will continue to do to -- to perform good government for Suffolk County. Thank you very much.

**APPLAUSE**

**D.P.O. CARACAPPA:**

Also, I'd like to thank the Clerk's Office, the staff from LADS, Budget Review Office, Counsel, Counsel's staff and the staff of the Presiding Officer. And speaking of the Presiding Officer, I'd like to thank Maxine postal for her leadership, her dedication and her commitment to the Legislature and the County as a whole.

Under her leadership, this body has had a great year. There has been efficiency, a coming together on many issues, and there's been a level of respect towards each other that I haven't seen in some time. And I know I speak for all of us when I say that we miss, that we hope that she returns and she is fully recovered. But I think most of all we'd like to all say to her we love her dearly.

Also, I'd just like to say from my own end that I was honored to serve as Deputy this year under Maxine. As you are all well aware of, since August, I've been running the meetings. And I tried to do so in a fair and open manner and with efficiency as well. The respect that you gave to me throughout that time as Acting Chair is truly, truly appreciated on my part. So I'd like to take this opportunity to say thank you to all my colleagues. It was a great year. And I'd like to wish you all and your families a very Happy Holiday and a great New Year.

**APPLAUSE**

**LEG. FIELDS:**

May I just add one thing, Legislator Caracappa. And I think I speak on behalf of the entire body that you have run the meetings in an extremely professional and efficient manner, and I think

we all appreciate the timeliness of our meetings and the deference that you have made for both sides of aisle. Thank you.

**APPLAUSE**

**(\* THE MEETING WAS ADJOURNED AT 5:20 P.M. \*)**